FEDERAL REGISTER

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TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

PLUMS; INSPECTION AND CERTIFICATION

Notice was published in the FEDERAL REGISTER issue of April 25, 1953 (18 F. R. 2451) that the Department was giving consideration to the proposed amendment of the rules and regulations (7 CFR 936.100 et seq.. Subpart—Rules and Regulations; 17 F. R. 541; 18 F R. 712) currently in effect pursuant to the amended marketing agreement and Order No. 36 (7 CFR Part 936) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq)

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the commodity committees established pursuant to said amended marketing agreement and order, it is hereby found and determined that the amendment, as hereinafter set forth, of said rules and regulations is in accordance with the provisions of said amended marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are amended as follows:

Add the following new sections to the rules and regulations (7 CFR 936.100 et seq., 17 F. R. 541, 18 F. R. 712).

§ 936.142 *Plums; standard pack; diameter; equivalent sizes*—(a) *Standard pack.* "Standard pack" means each of the following packs of plums—4 x 4, 4 x 5, 5 x 5, 5 x 6, and 6 x 6—when packed in a standard basket (as defined in paragraph 1 of Section 828.1 of the Agricultural Code of California) in accordance with the requirements for the Standard Pack (as such requirements and Standard Pack are specified in the revised United States Standards for Plums and Prunes (fresh) § 51.360 of this title).

(b) *Diameter* "Diameter" means the shortest distance measured through the center of a plum at right angles to a line running from the stem to the blossom end.

(c) *Equivalent sizes.* (1) The following are the equivalent sizes of plums in 4 x 4, 4 x 5, 5 x 5, 5 x 6, and 6 x 6 standard packs, respectively, when the plums are packed in containers other than standard baskets:

(i) *4 x 4 pack.* At least 90 percent, by count, of the plums contained in such pack measure not less than 1$\frac{15}{16}$ inches in diameter; and no plums contained in such pack measure less than 1$\frac{9}{16}$ inches in diameter;

(ii) *4 x 5 pack.* At least 90 percent, by count, of the plums contained in such pack measure not less than 1$\frac{13}{16}$ inches in diameter; and no plums contained in such pack measure less than 1$\frac{7}{16}$ inches in diameter;

(iii) *5 x 5 pack.* At least 90 percent, by count, of the plums contained in such pack measure not less than 1$\frac{6}{16}$ inches in diameter; and no plums contained in such pack measure less than 1$\frac{5}{16}$ inches in diameter;

(iv) *5 x 6 pack.* At least 90 percent, by count, of the plums contained in such pack measure not less than 1$\frac{5}{16}$ inches in diameter; and no plums contained in such pack measure less than 1$\frac{3}{16}$ inches in diameter; and

(v) *6 x 6 pack.* At least 90 percent, by count, of the plums contained in such pack measure not less than 1$\frac{4}{16}$ inches in diameter; and no plums contained in such pack measure less than 1$\frac{2}{16}$ inches in diameter.

(2) No lot of plums of a particular size shall be considered as failing to meet the requirements of this paragraph if one package of such plums contains not more than one percent, by count of the plums therein, that are smaller than the minimum diameter specified for that size.

§ 936.143 *Inspection and certification.* (a) During any period when regulation is in effect pursuant to § 936.40 or § 936.41, each shipper shall, prior to making each shipment of fruit, have the fruit inspected and certified by a duly

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FEDERAL REGISTER

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authorized representative of the Federal-State Inspection Service, heretofore designated by each commodity committee established pursuant to the amended marketing agreement and order and hereby approved: *Provided*, That a shipper may ship such fruit without inspection and certification if all of the following conditions are met in connection with the respective shipment:

(1) When the shipper desires to ship on a day other than an announced Federal-State Inspection working day, a written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection; or when the shipper desires to ship on a Federal-State Inspection working day but later than the announced closing hour for inspection, a written request is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day on which the fruit will be made available for inspection;

(2) The shipper designates in such request the varieties of fruit to be inspected, the approximate quantities by variety, and the time when the fruit will be available for inspection;

(3) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time; and

(4) The shipper submits, or causes to be submitted, promptly to the California Tree Fruit Agreement such signed statement, and states, on the reverse side thereof, (i) the varieties of fruit shipped without inspection, (ii) the quantity of each variety so shipped, (iii) the type of containers in which such fruit was packed, (iv) the date and hour when such shipment was made, (v) the car or truck license number of the carrier, and (vi) that all of the fruit so shipped complied with all grade and size, or minimum standards of quality or maturity, regulations applicable to such shipment.

(b) Nothing contained in paragraph (a) of this section shall prevent a shipper from shipping regulated fruit without inspection during working hours of an announced Federal-State Inspection Service working day if (1) such shipper requests inspection for such fruit and the Federal-State Inspection Service furnishes such shipper with a signed statement that it was not practicable to make the inspection requested, and (2) such shipper submits, or causes to be submitted, promptly to the California Tree Fruit Agreement such statement, together with a report containing all of the information set forth in paragraph (a) (4) of this section with respect to such shipments.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipping of the current crop of plums is expected to begin on or about May 15 and it is essential that the amendments be made effective immediately so that they will be available for use at the beginning of the shipping season for plums; (2) good cause exists for § 936.143 becoming effective also as to Bartlett pears and Elberta peaches so as to permit the agreement organization to bulletin the provisions of that section as having been made applicable at the same time to each of the three fruits; (3) handlers were given notice of the proposed amendment of the rules and regulations and were afforded the opportunity to submit written data, views, or arguments with respect thereto; and (4) the changes effectuated by the aforesaid amendment do not require of handlers any special preparation therefor which cannot be completed by the effective time hereof.

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. 608c)

Issued this 13th day of May 1953, to be effective upon the date of publication in the FEDERAL REGISTER.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-4343; Filed, May 15, 1953; 8:49 a. m.]

[Lemon Reg. 484, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order as amended. The provisions in paragraph (b) (1) (ii) of § 953.591 (Lemon Regulation 484, 18 F. R. 2636) are hereby amended to read as follows:

(ii) District 2, 550 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of May 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 53-4392; Filed, May 15, 1953; 8:56 a. m.]

[Lemon Reg. 485]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.592 *Lemon Regulation 485*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F R. 3612) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on May 13, 1953, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P s. t., May 17, 1953, and ending at 12:01 a. m., P s. t., May 24, 1953, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 600 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 14th day of May 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

[Storage date: May 10, 1953]

[12:01 a. m., May 17, 1953, to 12:01 a. m., May 31, 1953]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	698
American Fruit Growers, Inc., Fullerton	1.071
American Fruit Growers, Inc., Upland	.917
Consolidated Lemon Co	1.743
Ventura Coastal Lemon Co	1.382
Ventura Pacific Co	1.555
Chula Vista Mutual Lemon Association	.606
Index Mutual Association	.596
La Verne Cooperative Citrus Association	3.002
Ventura County Orange & Lemon Association	2.027
Glendora Lemon Growers Association	2.306
La Verne Lemon Association	.830
La Habra Citrus Association	2.152
Yorba Linda Citrus Association, The	1.020
Escondido Lemon Association	3.332
Cucamonga Mesa Growers	1.992
Etiwanda Citrus Fruit Association	.338
San Dimas Lemon Association	2.640
Upland Lemon Growers Association	8.556
Central Lemon Association	1.278
Irvine Citrus Association	.851
Placentia Mutual Orange Association	1.371
Corona Citrus Association	751
Corona Foothill Lemon Co	3.334
Jameson Co	1.344
Arlington Heights Citrus Co	1.647
College Heights Orange & Lemon Association	3.754
Chula Vista Citrus Association, The	734
Escondido Cooperative Citrus Association	.296
Fallbrook Citrus Association	2.264
Lemon Grove Citrus Association	.581
Carpinteria Lemon Association	1.386
Carpinteria Mutual Citrus Association	1.417
Goleta Lemon Association	2.578
Johnston Fruit Co	3.129
North Whittier Heights Citrus Association	1.065

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
San Fernando Heights Lemon Association	2.349
Sierra Madre-Lamanda Citrus Association	1.102
Briggs Lemon Association	1.768
Culbertson Lemon Association	1.047
Fillmore Lemon Association	1.987
Oxnard Citrus Association	3.719
Rancho Sespe	1.677
Santa Clara Lemon Association	2.683
Santa Paula Citrus Fruit Association	3.292
Saticoy Lemon Association	1.905
Seaboard Lemon Association	3.209
Somis Lemon Association	2.742
Ventura Citrus Association	.837
Ventura County Citrus Association	.262
Limoneira Co	2.269
Teague-McKevett Association	.709
East Whittier Citrus Association	.920
Murphy Ranch Co	2.040
Dunning Rranch	000
Far West Produce Distributors	000
Huarte, Joseph D	.009
Latimer, Harold	.033
Paramount Citrus Association, Inc	057
Santa Rosa Lemon Co	192
Torn Ranch	.001

[F. R. Doc. 53-4416; Filed, May 15, 1953; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 CCC Cottonseed Bulletin 3, Amdt. 3]

PART 643—OILSEEDS

SUBPART—1952 COTTONSEED PRODUCTS PURCHASE PROGRAM

COTTONSEED CAKE OR MEAL PURCHASES

Correction

In Federal Register Document 53-4265, appearing at page 2779 of the issue for Thursday, May 14, 1953, the signature of the Acting Executive Vice President, Commodity Credit Corporation, should read "M. B. Braswell"

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 4]

PART 570—WASHINGTON NATIONAL AIRPORT

MISCELLANEOUS AMENDMENTS

Under section 2 of an act to provide for the administration of Washington National Airport, the Administrator of Civil Aeronautics has control over, and responsibility for, the care, operation, maintenance, and protection of the airport, together with the power to make and amend such rules and regulations as he may deem necessary to the proper exercise thereof.

Acting pursuant to the foregoing authority, rules of Washington National

Airport were prescribed in this part. Those rules are amended as follows:

1. Section 570.25, published on October 14, 1949, in 14 F. R. 6249, is amended by adding new paragraphs (j) through (l) to read:

§ 570.25 *Operation rules.* * * *

(j) Upon the approach of any police, ambulance, fire department, or other emergency vehicle giving an audible signal that it is on an emergency call, any person operating another vehicle upon a roadway or street of the airport shall immediately drive the other vehicle parallel with, and as near as possible to, the right-hand edge of the roadway or street, clear of all intersections, and keep the other vehicle in such position until the emergency vehicle has stopped or passed, unless otherwise directed by an airport police officer.

(k) No person shall operate on the airport a vehicle equipped with a muffler cut-out or a straight exhaust.

(l) Any person operating a motor vehicle on the airport shall give full, undivided attention to such operation.

2. Section 570.27, published on October 14, 1949, in 14 F. R. 6249, is revised to read:

§ 570.27 *Parking.* (a) No person shall park any motor vehicle on the airport in excess of the time limit prescribed by the airport director for the particular parking area.

(b) No person shall park a motor vehicle on the airport, except in an attended parking area, for a period in excess of seventy-two hours unless express approval for such parking is obtained from the airport director.

(c) No person shall park a motor vehicle in a metered parking space without depositing in the parking meter controlling such parking space the required sum of money for the length of time stated on such meter, or park a motor vehicle in an area requiring payment for parking thereon without paying the required parking fee. If at any time during which any motor vehicle shall be parked in a space controlled by a parking meter, such parking meter shall indicate that there has been a violation, the owner or operator of such motor vehicle shall be deemed to be guilty of a violation of this regulation unless such owner or operator can show that the parking meter was not operating properly.

(d) No person shall park or stand a motor vehicle on the airport except in the areas specifically established and and designated for parking or standing.

(e) No person shall park a motor vehicle in any restricted or reserved area unless authorized by the airport director to do so.

(f) No person shall double park a motor vehicle on any street or roadway of the airport. Parking a vehicle at such distance from the curb as to allow space for another vehicle between it and the curb shall be considered double parking.

(g) No person shall abandon a motor vehicle on the airport.

(h) No person shall park a motor vehicle in any space marked off for the parking of vehicles, in such manner as to occupy part of another marked space.

(i) No person shall leave a motor vehicle standing unattended or parked on the airport, with a key in the ignition switch, motor running, a key in a door lock, or an open door.

3. Section 570.32, published on October 14, 1949, in 14 F. R. 6249, is revised to read:

§ 570.32 *Motor vehicle license tags.* No person shall operate, stand, or park a motor vehicle on any street, roadway, or parking area on the airport unless the vehicle is equipped with valid license tags issued by appropriate authority. Any motor vehicle found standing or parked in violation of this section may be impounded by any airport police officer and removed to the airport police station or any other area on the airport designated by the airport director for such purpose.

4. Section 570.56, published on October 14, 1949, in 14 F. R. 6250, is revised to read:

§ 570.56 *Visual signal procedures.* Every person operating an aircraft on the airport shall do so in conformity with visual signal procedures prescribed by the Administrator in § 617.23 of this chapter (i. e., regulations of the Administrator).

5. Section 570.57, published on November 26, 1949, in 14 F R. 7155, is revoked.

6. Section 570.71, published on October 14, 1949, in 14 F R. 6250, is revised to read:

§ 570.71 *Disorderly conduct.* No person, while on the airport or in any building located on the airport, shall:

(a) Be or become intoxicated or drunk;

(b) Commit any disorderly, obscene, or indecent act;

(c) Make any obscene or indecent exposure of his or her person;

(d) Commit any act of nuisance; or

(e) Use profane or vulgar language.

7. Section 570.72, published on March 28, 1951, in 16 F. R. 2701, is revised to read:

§ 570.72 *Gambling.* (a) No person shall, in any airport building or in any other area on the airport:

(1) Solicit, place, offer, receive, record, register, or forward bets or wagers, or solicit, purchase, make, or sell books, pools, or mutuels, upon the results of any contest, game, race, or other sports event;

(2) Play, participate in, conduct, promote, operate, manage, draw, or exhibit, a lottery, policy lottery, policy shop, raffle, punch board, numbers game, or other game of chance;

(3) Play, operate, manage, or exhibit, any table, bank, machine, wheel of fortune, or any other object devised, designed, or adapted for use in any game of chance for money or property.

(b) No person shall buy, sell, or transfer, or aid in selling, exchanging, negotiating, or transferring, on the Airport, a chance, ticket, certificate, writing, bill, or token, or other device purporting or intended to assure any person of an interest in any lottery, raffle, numbers game, or game of chance.

(c) The possession by any person while on the airport of any chance ticket, certificate, writing, bill, token, or other device purporting or intended to assure any person of an interest in any lottery, raffle, numbers game, or other game of chance shall be prima facie evidence of operating, promoting, aiding in the promotion of, or playing such lottery, raffle, numbers game, or other game of chance.

8. Section 570.73, published on October 14, 1949, in 14 F. R. 6250, is revised to read:

§ 570.73 *Sanitation.* (a) No person shall release, deposit, blow, or spread any bodily discharge on the floor, wall, partition, furniture, or any other portion of a public comfort station, terminal building, hangar, or any other building on the airport, except directly into a fixture provided for that purpose.

(b) No person shall place any foreign object in any plumbing fixture of a public comfort station, terminal building, hangar, or any other building on the airport.

(c) No person shall dispose of sewage, garbage, refuse, paper, or other material in an airport building or on the airport except in a receptacle provided for that purpose.

(d) No person shall eat food or drink beverages on the mezzanine balcony of the airport.

9. Section 570.76, published on October 14, 1949, in 14 F. R. 6250, is revised to read:

§ 570.76 *Dangerous objects.* No person, except a peace officer, a duly authorized post office, airport, or air carrier employee, or a member of the armed forces of the United States on official duty, shall carry either openly or concealed on or about his person, any weapon, explosive, or inflammable material on the airport without the written permission of the airport director. No person shall furnish, give, trade, or sell a weapon on the airport. Weapon, as used in this section, includes, but is not limited to, any gun, dirk, bowie knife, slingshot, or metal knuckles.

10. Section 570.77, published on October 14, 1949, in 14 F. R. 6250, is revised to read:

§ 570.77 *Coin-operated machines.* No person shall, in any building or other area on the airport:

(a) Use, or attempt to use, a coin-operated machine that requires the deposit of a coin for such use privilege without first depositing such coin as required by instructions posted on the machine.

(b) Place, or attempt to place, in a coin-operated machine, a slug, foreign coin, or any other object or substance except a coin specified in the directions posted on the machine.

(c) Pass through, over, or under, a turnstile that requires the deposit of a coin for such privilege without depositing such coin in the turnstile.

11. Section 570.78, published on October 14, 1949, in 14 F. R. 6250, is revised to read:

§ 570.78 *False report.* No person shall knowingly or wilfully make any false report concerning conduct on, or the operation or use of, the airport to the airport director or any airport police officer.

12. Section 570.89, published on October 14, 1949, in 14 F R. 6251, is revised to read:

§ 570.89 *Animals.* (a) No person shall, without a written permit from the airport director, enter any area or building on the airport with a domestic or wild animal except as follows:

(1) A person may enter any part of the airport except the terminal building, gate loading area, or other restricted area, with a domestic animal if the animal is at all times restrained by leash or confined in such manner as to be completely under control.

(2) A person may enter the terminal building or gate loading area with a dog being transported by air if the dog is at all times restrained by leash or confined in such manner as to be completely under control.

(3) A blind person may enter the terminal building or gate loading area with a seeing-eye dog.

(b) No person shall hunt, pursue, trap, catch, injure, or kill any bird or animal in any area on the airport.

13. Section 570.90, published on October 14, 1949, in 14 F R. 6251, is revised to read:

§ 570.90 *Loitering.* No person shall loiter or loaf on any part of the airport or in any building located on the airport. Any loitering or loafing person shall comply with instructions given by an airport police officer to move on or to leave the airport.

14. Section 570.93 is added to read:

§ 570.93 *Use of airspace.* No person shall prepare for operation, operate, or release, any kite, parachute, or balloon, upon or over any runway, taxi strip, road, building, or other area of the airport, except an employee of the Federal Government performing his official duties or a person acting in accordance with express authorization from the airport director.

15. Section 570.94 is added to read:

§ 570.94 *Games.* No person shall practice or play football, baseball, golf, tennis, bandy, hockey, shinny, or any other game in which a ball, stone, or other substance is thrown, struck, or otherwise propelled, in any area on the airport except during a period and in an area designated for the playing of such game by the airport director.

16. Section 570.95 is added to read:

§ 570.95 *Obscene literature.* No person shall print, publish, exhibit, circulate, distribute, use, sell, or lease, on the airport, a publication containing obscene language, or a print, drawing, picture, motion picture film, or object manifestly tending to corrupt morals.

17. Section 570.96 is added to read:

§ 570.96 *Impersonation.* No person, except a member of the Washington National Airport Police Force, shall:

(a) Represent himself as being a Washington National Airport police officer;

(b) Assume or exercise the functions, powers, duties, or privileges of a Washington National Airport police officer; or

(c) Wear or have in his possession a uniform, badge, or other insignia which is, or purports to be, that worn by a Washington National Airport police officer.

18. Section 570.97 is added to read:

§ 570.97 *Forgery and counterfeiting.* No person shall knowingly or wilfully make, possess, use, offer for sale, sell, barter, exchange, pass, or deliver, any forged, counterfeit, or falsely altered ticket, permit, certificate, placard, sign, or other authorization or direction purported to be issued by or on behalf of the Administrator or the airport director in controlling, caring for, operating, maintaining, or protecting the airport.

19. Section 570.106, published on October 14, 1949, in F R. 6252, is revised to read:

§ 570.106 *Floor care.* All persons shall keep the floors of hangars, hangar aprons, and terminal aprons and apron pits, and areas adjacent thereto, leased or assigned to them, free and clear of oil, grease, and other inflammable material.

20. Section 570.122, published on October 14, 1949, in 14 F R. 6252, is revised to read:

§ 570.122 *Bulletin boards.* The lessee of a hangar shall maintain a bulletin board in a conspicuous place. He shall keep posted currently on the bulletin board, workmen's compensation notices, a list of competent physicians, a list of his liability insurance carriers, a copy of this part, and all pertinent notices issued by the Administrator and the airport director.

21. Section 570.123, as published on October 14, 1949, in 14 F R. 6252, is revoked, and a new § 570.123 is added to read:

§ 570.123 *Use of premises.* No lessee of airport property shall knowingly permit such property to be used or occupied for any purpose prohibited in this part.

(Sec. 2, 54 Stat. 688; 2 D. C. Code 1602)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 53-4324; Filed, May 15, 1953; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

INDIA

In § 127.278 *India* amend paragraph (a) (8) by redesignating subdivisions (ii), (iii), (iv), (v), and (vi), as (iii) (iv) (v), (vi) and (vii), respectively and inserting the following new subdivision (ii)

(ii) Diamonds and other precious stones, unless legally reimported by registered mail in accordance with Indian laws.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ROSS RIZLEY,
Solicitor

[F. R. Doc. 53-4334; Filed, May 15, 1953; 8:47 a. m.]

PART 150—PROCEDURES OF THE POST OFFICE DEPARTMENT

PAYMENT OF REWARDS

In § 150.4302 *Payment of rewards* make the following changes:

1. Amend the first sentence of paragraph (a) by striking out "March 1, 1948," and inserting in lieu thereof "May 1, 1953,"

2. In paragraph (a) redesignate subparagraph (2) as (3), and amend to read as follows:

(3) Not exceeding two thousand dollars for the arrest and conviction of any offender on the charge of mailing or causing to be mailed any poison, or any bomb, infernal machine, or mechanical, chemical, or other device or composition which may ignite or explode, with the design, intent, or purpose to kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property.

3. In paragraph (a) redesignate subparagraph (3) as (2) subparagraph (8) as (4) and subparagraphs (4), (5), (6) and (7) as (5), (6), (7) and (8), respectively.

4. Amend subparagraph (11) of paragraph (a) by striking out the second sentence and inserting the following sentence in lieu thereof: "When a person has been adjudged a juvenile delinquent because of having committed any offense enumerated herein, the same reward may be paid as though he had been convicted of such offense."

5. Amend paragraph (e) (2) by striking out "March 1, 1948," and inserting in lieu thereof "May 1, 1953."

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 8, 64 Stat. 462; 5 U. S. C. 22, 369, 39 U. S. C. 794f)

[SEAL] ROSS RIZLEY,
Solicitor

[F. R. Doc. 53-4369; Filed, May 15, 1953; 8:54 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-50, Amdt. 2 of May 15, 1953]

M-50—Electric Utilities

Removal of Inventory Restrictions

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of the Defense Production Act of 1950 as amended. In the formulation of this amendment, consultation with industry representatives has been impracticable because of the need for immediate action.

This amendment affects NPA Order M-50, as amended January 14, 1953, by removing the inventory restriction on controlled materials as applied to electric utilities.

NPA Order M-50 is amended in the following respects:

1. Paragraphs (l) (m) (n) and (o) are deleted from section 2.

2. Paragraph (d) is deleted from section 21.

3. Section 33 is deleted.

4. Section 41 is amended by deleting the initial phrase "Subject to the restrictions contained in section 45 of this order." As so amended, section 41 reads as follows:

Sec. 41. *Allotments of controlled materials for minor requirements.* Each electric utility is hereby granted an allotment of controlled materials for minor requirements in the amount of its quota for each controlled material as provided in section 42 of this order, and is authorized to use such allotment for minor requirements. No electric utility shall place authorized controlled material orders for minor requirements of any controlled material in excess of its quota for such controlled material. Each authorized controlled materials order for minor requirements shall contain the allotment number H-4 as provided in section 23 of this order.

5. Section 45, *Inventory restrictions,* is deleted.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154).

This amendment shall take effect May 15, 1953.

National Production Authority,
By George W Auxier,
Executive Secretary.

[F. R. Doc. 53-4428; Filed, May 15, 1953; 11:09 a. m.]

Chapter XII—Defense Minerals Exploration Administration, Department of the Interior

[DMEA Order 1, Amdt. 2]

DMEA 1—Government Aid in Defense Exploration Projects

Miscellaneous Amendments

1. Paragraphs (a) (b) and (c) of section 7 are amended to read as follows:

(a) In the case of chromium, copper, and molybdenum, and bauxite (refractory grade only)—50 percent.

(b) In the case of manganese and tungsten—75 percent.

(c) In the case of asbestos (amosite, chrysotile and crocidolite) beryl, cobalt, columbium, tantalum, industrial diamonds (bort), mica (muscovite block and film) nickel, platinum, thorium, and uranium—90 percent.

2. Paragraph (a) of section 10 up to and including the colon in the third sentence is amended to read as follows:

Sec. 10. *Repayment by operator.* (a) If at any time the Government considers that a discovery or development from which production may be made has resulted from the exploration work, the Government, at any time not later than six months after the operator has rendered the final report and final account required by the exploration project contract, may so certify in writing to the operator. Such certification shall describe broadly or indicate the nature of the discovery or development. The operator, or his successor in interest, shall pay to the Government a royalty on all minerals mined or produced from the land which is the subject of the exploration project contract, as follows: (1) Regardless of any certification of discovery or development, from the date of the contract until the lapse of the time within which the Government may make such certification of discovery or development, or until the total net amount contributed by the Government, without interest, is fully repaid, whichever occurs first, unless the Government waives its right to a royalty; or (2) if the Government makes a certification of discovery or development, for a period of ten years (or other period fixed by the contract) from the date of the contract, or until the total net amount contributed by the Government, without interest, is fully repaid, whichever occurs first. Said royalty shall be a percentage of the net smelter returns, the net concentrator returns, or other net amounts realized from the sale or other disposition of any such production, in whatever form disposed of, including ore, concentrates, or metal, as follows:

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

C. O. Mittendorf,
Administrator, Defense Minerals Exploration Administration.

[F. R. Doc. 53-4435; Filed, May 15, 1953; 11:58 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 137 to Schedule A]

[Rent Regulation 2, Amdt. 135 to Schedule A]

RR 1—Housing

RR 2—Rooms in Rooming Houses and Other Establishments

Schedule A—Defense-Rental Areas

Michigan

Effective May 16, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that Item 152 of Schedules A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 13th day of May 1953

Glenwood J. Sherrard,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Michigan				
(152) Albion	B	In CALHOUN COUNTY, the city of Albion	Mar. 1, 1942	Oct. 1, 1942
	C	do	Nov. 1, 1952	Feb. 1, 1953
	A	In CALHOUN COUNTY, the townships of Albion, Eckford, Marengo, and Sheridan.	do	Do.

These amendments decontrol the following in what heretofore has been known as the Albion-Marshall Defense-Rental Area (changed by these amendments to the Albion Defense-Rental Area)

The City of Marshall in Calhoun County, Michigan, on the initiative of the Director of Rent Stabilization under section 204 (c) of the act.

[F. R. Doc. 53-4371; Filed, May 15, 1953; 8:54 a. m.]

[Rent Regulation 3, Amdt. 131 to Schedule A]

[Rent Regulation 4, Amdt. 74 to Schedule A]

RR 3—Hotels

RR 4—Motor Courts

Schedule A—Defense-Rental Areas

Michigan

Effective May 16, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that Item 152 of Schedules A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 13th day of May 1953.

Glenwood J. Sherrard,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(152) Albion	Michigan	In CALHOUN COUNTY, the city of Albion and the townships of Albion, Eckford, Marengo, and Sheridan.	Nov. 1, 1952	Feb. 1, 1953

The purpose of these amendments is to change the name of the Albion-Marshall Defense-Rental Area to the Albion Defense-Rental Area.

[F. R. Doc. 53-4370; Filed, May 15, 1953; 8:54 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

[Amdt. 2]

PART 99—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

PURCHASE PROGRAM FOR DOMESTIC CHROME ORE AND CONCENTRATES AT GRANTS PASS, OREGON; TERMINATION OF THE PROGRAM; DELIVERIES

The above captioned regulation, as corrected and amended (16 F. R. 8680, 8848, 8894, 17 F. R. 7125) is hereby further amended by the deletion of the following provisions:

1. The first proviso of § 99.104, which reserves to the Administrator the right to terminate the Program as of the close of business on December 31, 1954, upon giving advance public notice of such termination not later than December 31, 1953.

2. The last sentence of § 99.105, which provides that no deliveries in excess of five thousand (5,000) tons per year from any one source will be accepted under this Purchase Program.

This Amendment 2 shall be effective as of April 10, 1953.

(Sec. 205, 63 Stat. 389, as amended; 41 U. S. C. Sup. 235)

Dated: May 11, 1953.

EDMUND F. MANSURE,
Administrator of General Services.

[F. R. Doc. 53-4337; Filed, May 15, 1953; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

ASSIGNMENT OF FREQUENCIES

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of May 1953;

The Commission having under consideration the matter of amending § 2.103 to stipulate the conditions under which aircraft stations may operate on frequencies allocated to the maritime mobile service;

It appearing, that the Commission's rules governing Aeronautical Services and Maritime Services now provide for aircraft stations under certain conditions, to use frequencies allocated to the maritime mobile service; and

It further appearing, that this amendment is editorial in nature and therefore compliance with the public rule making proceedings of section 4 (a) of the Administrative Procedure Act is unnecessary.

It is ordered, That effective immediately, § 2.103 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: May 8, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary,

Amend § 2.103 by the addition of a paragraph (d) to read as follows:

(d) Aircraft stations may use those frequencies below 30 Mc allocated to the maritime mobile service as shown in column 8 of § 2.104 (a) (5) in accordance with paragraphs 570 and 571 of the Atlantic City 1947 Radio Regulations which are quoted herewith:

570 (1) Aircraft stations may communicate with stations of the maritime mobile service.

571 (2) For this purpose only, they may utilize frequencies allocated to the maritime mobile service and must then conform to the provisions of these Regulations relating to the maritime mobile service.

[F. R. Doc. 53-4352; Filed, May 15, 1953; 8:50 a. m.]

[Docket No. 10434]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of May 1953;

The Commission has under consideration its notice of proposed rule making issued on April 3, 1953 (FCC 53-380) and published in the FEDERAL REGISTER on April 15, 1953 (18 F R. 2107) proposing to assign Channel 82 to Amherst, Massachusetts, and Channel 80 to North Adams, Massachusetts, both assignments to be reserved for noncommercial educational use. Both of these communities do not presently have such television channels assigned.

In accordance with the provisions of paragraph 5 of the aforesaid notice of proposed rule making, the time for filing comments therein expired April 20, 1953. No comments opposing the proposed amendments were filed.

Authority for the adoption of the amendments is contained in sections 4 (i) 301, 303 (c) (d) (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

It is ordered, That effective 30 days from the publication in the FEDERAL REGISTER, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

1. Add to the table of assignments under the State of Massachusetts:

	Channel No.
Amherst	*82

2. Amend the table of assignments with respect to North Adams, Massachusetts:

	Channel No.
North Adams	74+, *80+

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, as amended; 47 U. S. C. 301, 303, 307)

Released: May 11, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-4351; Filed, May 15, 1953; 8:50 a. m.]

[Docket No. 10377]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICE

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

ASSIGNMENT AND DELETION OF FREQUENCIES

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete authority for operation by coast stations, ship stations, and aircraft stations on currently assignable frequencies for telephony within the band 4000 kc to 18000 kc; and to include authority for operation by such stations on other frequencies for telephony within the same band; Docket No. 10377.

1. The Commission instituted the above captioned proceeding by the adoption of a notice of proposed rule making on January 14, 1953. The notice provided a period until March 2, 1953, for the submission of written comments. In response to the request of one of the interested persons, this period was extended to March 25, 1953, with respect to a portion of the proposal.

2. The stated purpose of the notice was "to secure the adoption of a plan of assignments which [would] be used as the basis of carrying out the maritime mobile telephone portion of the Geneva Agreement (1951) in the frequency bands between 4000 and 18000 kc" Effective dates of specific frequency changes would, however, be made the subject of further proceedings.

3. Comments submitted in connection with this proposal were directed primarily to that portion of the plan which related to operations on the Mississippi River and its connecting waters. In view of the various objections which were received to this portion of the proposed

plan, and the absence of any supporting comments, the Commission has decided to withdraw its proposal at this time to the extent that it concerns changes in the existing communications system in use on the Mississippi River and its connecting waters. This means that, as of the present, high frequency radiotelephone communication privileges now enjoyed on the rivers will continue in force under the terms of the existing rules until, and unless, they are modified by subsequent proceedings.

4. In making this disposition of the frequencies used on the rivers, the Commission desires to point out to all concerned that the continued use of the frequencies now employed by the rivers may result in harmful interference conflicts as progress is made by the United States and other countries in the activation of planned assignments under the provisions of the Geneva Agreement (1951) If no further plan for the rivers is finalized prior to such time, it is the Commission's present intention to take up any such interference conflicts which may arise on their merits at the time of proposed activation of the planned assignments which appear to be in conflict with the existing uses of frequencies on the rivers.

5. Comments regarding that portion of the proposed plan which affected communications on the Great Lakes almost uniformly supported the proposal. Although the proposed deletion of frequencies in the 6 Mc band was viewed with considerable apprehension, most of the comments, recognizing the necessities of the situation under the Geneva Agreement (1951) concurred in this portion of the proposed plan and, in fact, requested finalization at the earliest possible date. However, Radiomarine Corportation of America (RMCA) in its comments regarding the Great Lakes portion of the proposed plan was of the opinion that deletion of 6 Mc frequencies on the lakes would mean that there would be "'dead areas' on the Lakes which cannot be reached from a given coast station" that, therefore, "the 6 Mc assignments in the Great Lakes area should not be deleted" and that "no further action should be taken in respect of the present 4, 6 and 8 Mc assignments * * * until a thorough study * * * has been completed" The Commission has studied the problem which may result from the deletion from availability on the Great Lakes of frequencies in the 6 Mc band and the simultaneous substitution therefor of additional 4 Mc frequencies. We recognize that because of differences in propagation characteristics, there may be instances in which the additional 4 Mc channel may not be as useful as the existing 6 Mc channel. However, at other times an additional 4 Mc channel may be of greater utility than the existing 6 Mc channel and as recognized by most of the Great Lakes interest, the substitute frequencies proposed will permit the maintenance of a communications system on the Great Lakes which is as adequate as can be realized under the conditions of frequency shortage currently existing for all services while at the same time permitting the Commission to move forward in carrying out its international treaty obligations. Accordingly, the action herein ordered does not reflect the comments of RMCA in this regard.

6. With regard to that portion of the plan affecting the various ocean areas, the comments generally indicated support. The American Telephone and Telegraph Co. (AT&T) however, requested that: (1) An additional 4 Mc frequency pair be made available in the New York area by deleting the frequencies 4424.5 kc, (coast) and 4129.1 kc (ship) from availability on the Great Lakes; (2) the frequencies 8811.5 kc (coast) and 8262.3 kc (ship) be made available in the New York area on a full time basis by eliminating the proposed sharing of these frequencies with the Mississippi River areas; and (3) the frequency 4457.5 kc not be made available for maritime mobile use in the Mississippi River area but remain available to the international fixed service. Since as indicated in paragraph 3 above, the Commission is withdrawing that portion of its proposal relating to frequencies in the Mississippi River area, it does not appear to be necessary to provide at this time for use of the frequency 4457.5 kc in that area. For the same reason, the proposed sharing of the frequencies 8811.5 kc and 8262.3 kc, to which the AT&T objects, has been eliminated from the plan of assignments. Compliance with the request of AT&T to make an additional 4 Mc frequency pair available for the New York area, however, does not appear to be feasible at this time. The only suggestion made for accomplishment of such a result woul involve the assignment to the Great Lakes area of a pair of 4 Mc frequencies which would be of limited usefulness in that area because of sharing with West Coast Maritime Mobile stations. In view of the deletion of the 6 Mc frequencies from availability on the Great Lakes, the Commission is of the opinion that further impairment of the existing Great Lakes communication systems in order to improve high seas radiotelephone communications at New York would not serve the public interest. Accordingly, the plan of assignments herein ordered, does not meet the request of the AT&T in this particular.

7. In view of the foregoing and pursuant to sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conferences, Atlantic City, and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) *It is ordered*, That, effectively immediately

a. The plan of availability of frequencies for areas other than the Mississippi River and connecting inland waters (except the Great Lakes) set forth in section A below is adopted.

b. The plan of deletion of frequencies for areas other than the Mississippi River and connecting inland waters (except the Great Lakes) set forth in section B below is adopted.

c. The proposal set forth in this docket for changes in frequency assignments of stations in the area of the Mississippi River and connecting inland waters (except the Great Lakes) is withdrawn.

d. Parts 7 and 8 of the rules will be amended to reflect the changes listed in sections A and B below as the dates of availability of frequencies in section A and the dates of deletion of frequencies in section B are specified by later proceedings.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: May 6, 1953.

Released: May 8, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

PLAN OF RADIOTELEPHONE FREQUENCY ASSIGNMENTS FOR THE MARITIME MOBILE SERVICE FOR AREAS OTHER THAN THE MISSISSIPPI RIVER AND CONNECTING INLAND WATERWAYS (EXCEPT THE GREAT LAKES)

SECTION A. The following frequencies are to be available for assignment to public coast stations for telephony and to public ship stations for telephone communication with these coast stations:

Frequency (kc)		Approximate location of coast stations	Maximum coast station authorized transmitter power (kw)[1]
Coast	Ship		
4429.7	4115.3	Great Lakes & Hawaii	1.5 and 4.5.
4434.5	4129.1	Great Lakes	1.5.
4283.1	4087.7	New York, N. Y.	20.
4330.9	4101.5	do	20.
4372.4	4067.0	San Francisco, Calif.	20.
4427.6	4122.2	Miami, Fla.	0.6.
8797.3	8248.1	Great Lakes	1.5.
8811.5	8262.3	New York, N. Y.	20.
8763.9	8219.7	do	20.
8747.6	8193.4	San Francisco, Calif.	20.
8761.8	8212.6	Hawaii	4.5
13189.0	12295.8	New York, N. Y.	20.
13167.5	12287.3	do	20.
13189.6	12280.4	San Francisco, Calif.	20.
13172.9	12272.7	Hawaii	4.5.
17317.5	16487.3	New York, N. Y.	20.
17350.0	16523.8	do	20.
17340.6	16510.4	San Francisco, Calif.	20.
17362.1	16471.0	Hawaii	4.5.

[1] See existing § 7.7 (kk) of the Commission's rules. The figure here designated is for the condition of amplitude modulation where the radio frequency amplifier used in the last radio stage of the transmitter is of the Class C type, either plate or plate and screen grid modulated. The power to be permitted for other types of radio frequency amplifiers is related to this power figure according to the proportionate figures set forth in existing § 7.134 (c) of the Commission's rules.

SEC. B. The following designated frequencies, currently available as assignable carrier frequencies for the telephony, are to be deleted:

Coast station frequencies in kc

4177.5	6470	12310
4272.5	6480	12340
4280	8540	17030
4282.5	8550	17090
4287.5	8585	17100
4752.5	8630	17120
6460	8660	

Ship station frequencies in kc

4402.5	8320	13260
4412.5	8330	13275
4422.5	8850	17600
4457.5	13200	17610
6650	13210	17620
6660	13220	17640
6670	13230	17660
8810	13245	17680

[F. R. Doc. 53-4349; Filed, May 15, 1953; 8:49 a. m.]

[Docket No. 10362]

PART 10—PUBLIC SAFETY RADIO SERVICES

HIGHWAY MAINTENANCE RADIO SERVICE

The Commission heretofore approved and on January 13, 1953, published (18 F R. 260) a notice of proposed rule making in which it was proposed to amend the rules relating to Highway Maintenance Radio Service by the addition of a new paragraph (c) of § 10.404, requiring a licensee in that service, which employs a frequency shared with the Special Emergency Radio Service, to conduct listening tests before transmitting, and to refrain from transmitting until a reasonable determination is made that harmful interference would not be caused to any authorized communication in progress on the frequency. It was further proposed to amend § 10.405 (c) which limited licensees of Highway Maintenance radio stations (except states) to use of only one frequency, so as to permit the use of more than one frequency per system.

The only interested party to file written comment was Genesee County, New York, licensee of a mobile Highway Maintenance radio system operating on the frequency 37.98 Mc, which is shared with the Special Emergency Radio Service. The county's comment relates only to the proposed amendment of § 10.404 of the rules concerning which objections are raised on the ground that the proposed amendment expresses a priority of frequency usage for the Special Emergency Radio Service. The county takes the position that where emergency communications of highway departments are involved, such communication should definitely not be placed on a secondary basis to those of any other radio using group.

The amendment of § 10.404 was not intended to subordinate the Highway Maintenance Radio Service in respect to the use of frequencies shared with the Special Emergency Service and the frequencies involved are available on an equal basis to both services with no priority of use for either service specified in the rules. The amendment was designed to compensate for a similar requirement in the Special Emergency rules (see § 10.461 (b)) that each operator of a Special Emergency radio station listen on the licensed frequency of the station and refrain from transmitting until a reasonable determination is made that harmful interference will not be caused to any authorized communication in progress on the frequency. The inclusion of such a monitoring requirement in the Highway Maintenance Service seems to be necessary in view of the amendment of § 10.405 (c) under which use of more than one frequency by a single Highway Maintenance radio station is permitted. Accordingly the monitoring requirement is considered essential to an orderly sharing, upon an equal basis, of the same frequencies by the two services.

The amendments may be adopted pursuant to authority of section 4 (i) and section 303 (c) (f) and (r) of the Communications Act of 1934, as amended.

In view of the foregoing: *It is ordered,* This 6th day of May 1953, that §§ 10.404 and 10.405 (c) are amended in exact accordance with the amendments set forth in the original notice of proposed rule making issued in this proceeding and repeated below.

It is further ordered, That the foregoing amendments shall become effective June 22, 1953.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: May 8, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Amend Part 10 as follows:

1. In § 10.404 add new paragraph (c) to read as follows:

(c) Each operator of a station in the Highway Maintenance Radio Service when employing a frequency shared with the Special Emergency Radio Service and designated by limitation note 6 in § 10.455 (e) shall listen on the licensed frequency of the station prior to transmitting and shall not transmit until it has been reasonably determined that harmful interference will not be caused to any authorized communication in progress on the frequency.

Change § 10.405 (c) to read as follows:

(c) Normally, not more than two frequencies will be assigned to a licensee for mobile service operations. Additional frequencies may be assigned provided the request therefor is adequately supported by a satisfactory showing of need.

[F. R. Doc. 53-4350; Filed, May 15, 1953; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 910]

[Docket No. AO 13 A-3]

FRESH VEGETABLES GROWN IN COUNTIES OF ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, SAGUACHE, AND MINERAL IN COLORADO

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT NO. 67 AND TO ORDER NO. 10

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to Marketing Agreement No. 67, as amended, and Order No. 10, as amended, regulating the handling of Peas and of Cauliflower (hereinafter called vegetables) grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, Saguache, and Mineral in Colorado, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (48 Stat. 31, 7 U. S. C. 601 et seq.) hereinafter called the act. Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the tenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing on the record of which the proposed amendments to Marketing Agreement No. 67 and Order No. 10 were formulated, was held at Alamosa, Colorado on March 30, 1953, pursuant to notice thereof which was published March 11, 1953, in the FEDERAL REGISTER (18 F R. 1394). Such notice set forth the proposed amendments which were submitted to the Secretary of Agriculture (hereinafter called the Secretary) by the administrative committee with a petition for a hearing thereon. Such amendments involve a revision of nearly the entire agreement and order and such amendments are therefore hereinafter referred to as the amended order.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise federal jurisdiction.

(2) The need for amending the existing regulatory program to accomplish the declared objectives of the act.

(3) The identity of the persons in transactions to be regulated.

(4) The definition of the commodities and the production area to be effected by the amended order.

(5) The specific terms and provisions of the amended order, including definitions of terms used therein necessary and incidental to attain the declared objectives of the act, and including among others those applicable to:

(a) The establishment, maintenance, composition, powers, duties, and operation of an administrative and marketing committees;

(b) The authority for the administrative committee to incur expenses and to levy assessments on shipments;

(c) The method for limiting shipments of vegetables grown in the production area;

(d) The establishment of minimum standards of quality and maturity;

(e) Prohibiting the shipment of vegetables during a specified period;

(f) Handling under special regulations due to certain conditions and the procedure applicable thereto of specified shipments of vegetables grown in the production area,

(g) The relaxation of regulation in hardship cases and the procedure applicable thereto;

(h) The necessity for inspection and certification of shipments;

(i) The requirement that all handling of vegetables grown in the production area must be in accordance with the provisions of the amended order and that inspection and certification of shipments of such vegetables and the payment of assessments must be in accordance therewith.

Findings and conclusions. The findings and conclusions on the aforementioned material issues all of which are based on the evidence introduced at the hearing and the record thereof are as follows:

(1) Nearly all of the vegetables grown in the counties of Alamosa, Rio Grande, Conejos, Costilla, Saguache, and Mineral in Colorado, are shipped outside the production area with most of them eventually entering the current of interstate and foreign commerce. Many of these vegetables are shipped to Denver where a portion of the carlot or truck lot may be unloaded and other vegetables added which are then shipped outside the State of Colorado. Since relatively few people, as compared with the total number who buy fresh peas and cauliflower, reside within the production area only a very small percentage of the vegetables grown within the production area are marketed within this area. A small portion of the cauliflower production is shipped outside the production area for processing as frozen cauliflower. Neither peas nor cauliflower have much value for other products and usually low grade and surplus peas and cauliflower are left in the field. In the fall livestock may be turned into the field to salvage the feed value of the stalks and vines.

The market for both fresh peas and cauliflower has been materially restricted in volume because of the substantial increase in the competition of the frozen commodity. There are no processing plants within the production area. A substantial portion of peas and cauliflower grown in the production area are shipped to the larger northern and northeastern terminal markets such as Chicago, New York and Boston and the mixed loads go to other medium sized markets. The movement and sale of vegetables grown in the production area to any market outside of the production area affects the price structure for all vegetables grown in the production area. Changes in the supply of vegetables being marketed at any particular time and changes in estimates of vegetable supplies available for market directly affect the price of these vegetables, and traders use telephone, telegraph and other sources of information on supplies and market prices for both trading and for information on the vegetable supply and market conditions at shipping points and in all terminal markets.

It is concluded, therefore, that all transportation and sale (except retail sales) of vegetables grown in the production area and shipped to a point outside thereof are either in the current of interstate or foreign commerce or directly burden, obstruct, or affect such interstate or foreign commerce (hereinafter called "commerce") It is impracticable to regulate effectively the transportation and sale of such vegetables without regulating the transportation and sale thereof to points in Colorado which are outside the production area.

(2) During the 1951 and 1952 seasons the prices received for each month of the marketing season for both peas and cauliflower were below the Colorado parity equivalent prices. It is expected that the 1953 price received by farmers will be below the equivalent parity price. The production of both peas and cauliflower fit into the normal crop rotation in the production area. The production of these vegetables could be expanded if market conditions would justify such expansion. However, since 1942 there has been a substantial reduction in the acreage of both peas and cauliflower in the production area with a much greater percentage reduction in peas than in cauliflower. The use of these vegetables in fresh form is constantly being restricted and only the best quality of peas and cauliflower can be successfully marketed under current conditions of severe competition from frozen vegetables, particularly for peas. Whenever supplies of these vegetables increase beyond the level at which they can be moved at a given price, either the supply available for market must be adjusted to meet the amount which can be marketed at the desired price or the price must be lowered. The supplies can be adjusted through the removal from market channels of certain grades, sizes, or qualities or combinations thereof and particularly of such undesirable grades and sizes which unduly depress prices and subsequent returns to farmers. Since these vegetables are highly perishable there are times when the market is completely demoralized and it is necessary to prohibit the shipment of any vegetable until the supplies enroute and available in terminal markets can be reduced. It is concluded that there is a need for a marketing order to regulate the handling of vegetables grown in the aforesaid production area. The amended marketing agreement and order as hereinafter set forth will tend to effectuate the declared policies of the act.

(3) The act authorizes the regulation of such handling of vegetables grown in the production area as is in commerce. The amended order should regulate such handling solely to effectuate the declared policy of the act. It is essential as a basis for such regulation that such amended marketing agreement and order define a "handler" so that persons to be regulated thereunder will have notice thereof.

A handler is any person who ships or handles vegetables so as to burden, obstruct, or affect commerce between the production area and any point outside thereof. The shipping or handling of vegetables by a handler shall include the packing of such vegetables, the offering of such vegetables for transportation or placing such vegetables in commerce between the production area and any point outside thereof. The handler is the person who is responsible for burdening commerce in such vegetables and the handler is the person who should be responsible for complying with any regulations or requirements established pursuant to this marketing program. The packing of vegetables for market is defined as the first act of handling because the packing operation determines the vegetables which shall become a part of commerce and those which shall not. In addition, the packing of vegetables is the first act of handling and such act should be subject to control under this marketing program so that excessive supplies cannot be built up and held on track during a shipping holiday with the result that the purposes for which the holiday was instituted would be defeated. It is necessary that all the acts involved in shipping should be prohibited during a holiday. It is not enough that the final act of starting a car or truck to roll should be prohibited, but the previous acts of the handler including packing, and loading, should also be included in the activities subject to control.

Common or contract carriers transporting vegetables (grown in the production area and owned by another person) to market are performing a handling function in commerce but such handling should not be regulated under the amended marketing agreement and order for the reason that such carriers are not responsible for the grade, quality, and size of the vegetables transported and are not responsible for the introduction of such vegetables into commerce. Their sole interest in such vegetables is to transport them to destinations selected by others for a fee.

The handler who first transports the vegetables in commerce after they have been inspected for market is the person who should pay the assessment thereon. Effective regulation requires that each lot of vegetables grown in the production area and placed in commerce should meet the grade, size, and quality requirements established by regulations issued under the amended marketing agreement and order to effectuate the declared policy of the act and each person responsible for placing such vegetables in commerce or continuing such vegetables in commerce should comply with the aforesaid requirements except as hereinafter indicated. Such persons are performing handling functions in commerce in connection with such activities; therefore, the definitions of "handle" and "ship" as hereinafter set forth in the amended marketing agreement and order includes all the activities and transactions with respect to marketing vegetables grown in the production area herein found and concluded to be in commerce.

(4) (a) The vegetables to be regulated by the amended marketing agreement and order are the same commodities which have been regulated under Order

No. 10 and they are defined so that persons handling such commodities will know that their handling activities are subject to regulation thereunder. Peas and cauliflower of all varieties grown in the production area establishes a regional classification for these vegetables and regulation of the handling thereof will tend to effectuate the declared policy of the act. It is concluded, therefore, that vegetables should be defined to mean all varieties of peas and cauliflower grown in the production area for consumption in fresh form.

(b) A definition of production area is incorporated in the amended order to specify and delineate the area in which vegetables must be grown before the handling thereof is subject to regulation under the amended marketing agreement and order. Production area is defined to mean the counties of Alamosa, Rio Grande, Conejos, Costilla, Saguache, and Mineral in the State of Colorado. The vegetables grown in these counties are topographically separated from other vegetable producing areas by a range of mountains and vegetables are not grown in the adjoining counties to those of the production area.

Production and marketing conditions are essentially the same throughout the counties of the production area. Vegetable crops are planted at about the same time but there is a variation in the harvest period which is due to weather conditions and to planting early, midseason, and late varieties. There is little difference between the appearance of these varieties and the importance is merely the time of the season that they mature. Therefore, the production area as hereinafter defined in the amended marketing agreement and order should include the aforesaid counties in Colorado and such regional production area constitutes the smallest regional production area practical, and consistent with carrying out the declared policy of the act.

(5) It is necessary to define the terms hereinafter set forth so that their applicability and meaning may be established and to preclude the necessity for redefining them when they are later used in the amended marketing agreement and order. The definitions of "secretary act, person, producer, and varieties" as set forth in the notice of hearing were not in controversy. These terms are generally understood by members of the vegetable industry in the production area and the use of such terms in the amended order is essential to the basic framework thereof. A definition of "vegetables" is incorporated in the amended marketing agreement and order to avoid repeating peas and cauliflower where the provisions necessarily include both commodities. The definition of peas and cauliflower are self-explanatory in that they include all varieties grown for sale for consumption in fresh form.

It is not necessary to define "processor" and "processing" because the act of harvesting for market cannot be differentiated from harvesting for other uses. Therefore, these definitions should be deleted from the proposed marketing agreement and order.

A definition of "fiscal period" is incorporated in the amended marketing agreement and order to establish the beginning and ending of an operating period or season. The establishment of such period which should comprise a full 12 months is necessary for business-like administration of the amended marketing agreement and order. The date marking the end of one fiscal period and the beginning of the new should fall at a time of relative inactivity in marketing vegetables but near the beginning of the new marketing season. Therefore, the fiscal year should end on May 31.

The definitions of "administrative committee" and "marketing committee" are incorporated in the amended marketing agreement and order to identify the administrative agencies responsible for carrying out certain defined duties in connection with the operation of the marketing agreement and order and such committees are authorized by the act.

"Pack or unit" is defined as a basis for describing and distinguishing among various containers the volume of vegetables placed in such container. The most commonly used containers for peas is a bushel basket and a pony crate for cauliflower. However, in recent years a substantial portion of the cauliflower is loaded bulk in a truck for shipment to market. The definition of pack has been expanded to include such bulk loads. Pack should be defined, therefore, as hereinafter set forth.

"Packing" is defined for use in connection with shipping holiday. It means those acts of trimming, grading and placing peas and cauliflower into a basket, crate, other containers or in bulk loads for shipment to market.

Definitions of "grade and size" are incorporated in the amended marketing agreement and order to enable all persons affected thereby to determine the requirements thereof and to interpret specifically and intelligently regulations issued in such terms. Grade and size, the essential terms in which regulations are issued should be defined as comprehending the equivalents of the meaning assigned to these terms in (i) the official standards for peas and cauliflower issued by the United States Department of Agriculture (ii) the State standards issued by the State of Colorado and (iii) to modifications or amendments of such standards and to variations of such standards by regulations under the amended order. Regulations under the amended marketing agreement and order can then use such terms (grade and size) with the constant meaning assigned them in such standards or in such modified or amended standards, or such regulations can vary such terms by prescribing for example a percentage of a grade or by excepting certain defects as may be desired at the time of issuing such regulation. Official inspectors are qualified to certify to the grade and size of vegetables grown in the proposed production area in terms of any one of the aforesaid standards, modification, amendment or variation thereof.

A definition of "district" is incorporated in the amended marketing agreement and order to delineate the geographical division of the production area for the purpose of electing nominees for membership on the marketing committees. Vegetable production and marketing within the production area is variable and the amended order should provide procedure for subsequent changing of the area covered by each district and committee representatives from each district. District should be defined, therefore, as hereinafter set forth.

A definition of "export" is incorporated in the amended marketing agreement and order because different regulations thereunder may be authorized for export shipments than for domestic shipments of vegetables. Export markets have certain requirements which differ from domestic market and special regulations are justified. Export should be defined to include all shipments of vegetables outside of the continental United States.

(a) The administrative agency of the currently effective Order No. 10 is composed of four pea producers, four cauliflower producers, and four handlers who may handle one or both of the vegetables. Five concurring votes are necessary for a quorum on matters pertaining to marketing policy. This committee arrangement in past years of operation has at times resulted in confusion. The proposed amendments provide for dividing committee responsibility into three components by establishing an administrative committee to be known as the San Luis Valley Vegetable Committee, a pea marketing committee and a cauliflower marketing committee. The housekeeping duties such as the supervision of committee employees, keeping books, records, etc. can best be handled by a small committee. This committee will represent both commodities because there are two representatives from each commodity committee and any action requires three concurring votes.

Generally a handler ships both peas and cauliflower but there are a few who handle only one of these vegetables. In prior years the handlers serving at large sometimes participated in regulatory actions when they were not personally involved in handling the particular commodity. The proposed arrangement enables each commodity marketing committee to be made up of producers and handlers of the particular commodity and to function separately from the other commodity marketing committee. This arrangement is much more practical and desirable than the current committee setup.

The proposed marketing committee for peas is composed of four producers and four handlers and the cauliflower marketing committee is composed of four producers and two handlers. Two handlers were added to the marketing committee from that proposed in the hearing notice for peas on the basis of testimony submitted at the hearing and it is deemed necessary and desirable because a larger portion of peas move through a central packing shed than that of cauliflower. There is proposed a reduction from the current order of the handler members on the marketing committee for cauliflower because practically all of the cauliflower is packed in

the field with a fair percentage of it being handled by the producer. The producer interest in the production of cauliflower is coupled with handling of the product and an increase in representation of producer members appears justified. Establishment of these committees is desirable and necessary to aid the Secretary in carrying out the declared policy of the act and such committees are authorized by the act.

Provisions should be made in the amended marketing agreement and order for an alternate for each committee member. Circumstances may arise when it is impossible for a member or members to attend to committee business or to attend particular committee meetings and, in addition, committee vacancies may arise because of death, resignation or for other reasons. Under such circumstances alternates should be authorized to act for committee members. Such alternates should have the same qualifications as the members so that the alternates shall be as representative of their respective group as the members.

Producer members and alternates are selected to represent geographical districts within the production area and they should be producers of vegetables or officers or employees of a corporate producer in the district they represent and they should be residents of such districts. Persons representing producers should be primarily interested in production of vegetables for market and this may be determined by the committee on the basis of a questionnaire to be filled out by the prospective committee member or alternate. Such persons can be expected to present accurately the views, problems, and economic conditions of producers.

Handler members and alternates are selected to represent the production area at large and such handlers should be individual handlers or officers or employees of a corporate handler operating within the area. Handlers representing the committee should be directly interested in the physical handling of vegetables rather than a cash buyer for some terminal market receiver. The committee should be empowered to specify certain qualifications for a handler member to represent them on the committee and this may be done by developing a questionnaire to be filled out by the prospective committee member or alternate. Such persons selected as handler members should be primarily interested in representing the views and economic conditions of handlers.

The districts as initially set forth in the amended order for peas should be changed by transferring Conejos County from District 1 to District No. 2. This will group the counties more nearly in line with their current practices of harvesting and marketing peas. Dividing the production area into geographical areas for selecting producer members will assure fair and equitable representation of producer thinking in establishing the marketing policy for the committee.

The basis for initially establishing districts is adequate and equitable for the effective operation of the two commodity marketing committees in administering the provisions of the amended order with respect to matters of marketing policy. However, if operation and experience should show that some realignment of districts and representation therefrom is desirable and reasonable because of shifts in acreage and production or of marketing practices the committee should be authorized to recommend such rearrangements to the Secretary. Such rearrangements of districts or producer representation should be considered by a joint meeting of the two marketing committees and the administrative committee at which time all relevant factors affecting changes in the production pattern and the marketing practices in the production area should be considered. Proposed changes could include a change in the district boundaries, the committee representation from the district, and the total number of producer and handler members on the committee. This is necessary and desirable to meet changing conditions within the production area as they may arise. For several years the committee operating Order No. 10 has been handicapped by an inequitable producer representation from the several districts.

The selection of two producer members from each of the two districts to represent producers on the pea marketing committee will give adequate and fair representation for producers on the basis of current production which is approximately equal, and the time of harvesting and method of handling is also similar with respect to producers in each district. For the purpose of selecting producer members to represent cauliflower on the cauliflower marketing committee it is divided into three districts. There should be one producer member from each of Districts No. 1 and No. 2 and two producers from District No. 3. This will provide fair and equitable representation for producers based on the current tonnage produced in each of the districts. The timing, harvesting and method of handling is similar for producers within each of the respective districts. The notice of hearing specified two handler members to represent the production area but this should be changed to four handler members which would give as equal a representation to handlers as is given to producers. The handler representatives should be selected from the production area at large, because handlers generally operate in and draw supplies from more than one district. Generally handlers are concentrated in a few towns and to confine handler membership by districts would tend to be inequitable and would tend to deprive the industry of the services of highly efficient handlers.

The administrative committee is composed of two members and two alternates to be selected from each of the marketing committees. Since the powers and duties of the administrative committee is limited to housekeeping functions this will give adequate and fair representation for producers and handlers within the production area. In order for producer interests to be adequately and fairly represented at least one member from each marketing committee shall be a producer.

The term of office of marketing committee members and alternates should be for two years. The terms of office of committee members and alternates should be so arranged that the terms of office of one-half of the marketing committee members and alternates shall terminate at the end of each fiscal year. Such provision will maintain members and alternates with experience on the marketing committees to counsel on marketing policies. The administrative committee members should serve for only one year as they may be selected for this committee assignment during their second year as a member on the marketing committee. Since the administrative committee is dealing solely with housekeeping duties it is so not necessary that they have the extra experience as is needed for the marketing committee members who are determining the marketing policy.

At least two nominees should be designated for each position as member and each position as alternate member so that the Secretary will have a choice in making his selection and in the event a selectee declines to serve, he will have the names of other prospective members or alternates from which to make another appointment. In making such nominations, producers and handlers should be allowed to submit four nominees for the position of member and alnate and request that the Secretary select the person with the highest number of votes as member and the persons with the second highest number as alternate. Committee members and alternates should serve until their successors have been selected and qualified so that the committee shall be assured of continuity.

Such nominations should be presented to the Secretary prior to May 15 of each year so that the selection and qualifications of the members and alternates for the new term of office which begins on June 1 may be made prior to such date. Nominee lists should be supplied to the Secretary in the manner and form prescribed by him to establish administrative uniformity in the handling of such matters.

Only pea and cauliflower producers and pea and cauliflower handlers may participate in nominating the respective producer and handler marketing committee members and alternates. However, a person producing or handling both peas and cauliflower may participate in the nomination of members for each of the marketing committees. Also, a producer or handler of both peas and cauliflower is eligible to serve on both marketing committees at the same time. This is necessary and desirable because some producers and handlers are interested in both commodities. If a producer is growing vegetables in more than one district he must elect the district in which he wishes to participate in nominating respective marketing committee members. Each producer and each handler should be limited to one vote on behalf of himself, his agents, subsidiaries, affiliates, or representatives in designating nominees for either producer or handler

marketing committee members and alternates regardless of the number of districts in which he produces or handles vegetables. The administrative committee members and alternates shall be selected from among the members of the respective marketing committees on the basis of nominations submitted by the marketing committees and they may be either producers or handlers. It is not necessary to submit more than one nominee for each position on the administrative committee because the Secretary has already selected the members on each marketing committee and each are qualified to serve on the administrative committee.

The committee should be authorized to utilize the services and facilities of existing organizations and agencies in conducting nomination meetings for marketing committee members and alternates to facilitate inexpensive, expeditious and orderly consummation of this committee function.

In order that there will be an administrative agency in existence at all times to administer the amended marketing agreement and order the Secretary should be allowed to select committee members and alternates without regard to nominations if the committee for any reason fails to carry out the nomination procedure prescribed herein. Such selection, however, should be on the basis of the geographical representation provided in the amended marketing agreement and order to insure fair and equitable representation.

Each person selected for the administrative and the marketing committees as a member or alternate should accept in writing so that the Secretary will have a means of determining if he intends to serve.

Provision is made for the Secretary to fill any committee vacancies in order to maintain continuity of committee operations. The amended order provides two alternative procedures which may be followed by the Secretary in making such selections. This administrative flexibility is desirable so that the Secretary will not be forestalled in making such selections and so that he may choose the most practical of the alternative means in filling such vacancies. However, if names of nominees to fill a vacancy are not submitted and postmarked within 30 days after such vacancy occurs the Secretary should be allowed to fill the vacancy without regard to nominations but such selection should be on the basis of representation provided herein.

A majority of the members of the committee shall be necessary to constitute a quorum and a majority of concurring votes of the entire membership shall be necessary for passing any motion or approving any action of the committees. These requirements are reasonable and necessary to insure that any actions of the committee will be representative of a majority of the committees. Requiring a larger quorum and concurring votes would necessarily impede committee action and permit a small minority to thwart effective and prompt action by the committees.

Only members present at assembled meetings of the committees or alternates representing members should be entitled to vote. This requirement will encourage greater attendance at meetings and will promote discussion and exchange of information on proposed actions. However, provision is made for meetings of the committees by telephone, telegraph, or other means of communications to permit a rapid decision when such is necessary. Such emergency situations should occur infrequently because of the relatively small size of the production area but such may be desirable and necessary for efficient operation of the committee. Any votes cast at such meetings should be promptly confirmed in writing to provide a record of action taken.

Members and alternates of the committees provided herein shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties. Similarly, alternate members should be reimbursed for expenses whenever they are performing duties for the committees.

The powers of the administrative committee and of each of the marketing committees as set forth in the notice of hearing should be granted because such powers are authorized by the act and are essential in order for the committees to discharge their responsibilities under the amended order. The duties set forth for the administrative committee and for the marketing committees are necessary and essential to the accomplishment of the declared policy of the act and for the respective committees to discharge their obligations to the Secretary. The duties of the administrative committee correctly outlines its functions and they do not overlap with the duties of the respective marketing committees. The duties of the administrative committee as outlined in the notice of hearing should include the duty to investigate exemptions because this committee maintains an office and has employees and the facilities to conduct such work. The provision for it to engage in research and service activities should be omitted because it is not contemplated that the committee will engage in any such work. The duties of the marketing committee should include in addition to those contained in the notice of hearing a provision for it to prepare a marketing policy for its respective commodities. It should also recommend the rules and procedures for handling certificates of privilege as well as those for exemptions. The provision in the notice of hearing calling for the marketing committees to act as an intermediary between the Secretary and any producer or handler should be omitted because the marketing committees will not maintain facilities for such work. This duty is to be performed by the administrative committee. The duties of the administrative committee and the respective marketing committees as set forth herein are necessary to effectuate the declared policy of the act and to assist the Secretary in carrying out the provisions of the amended marketing agreement and order.

(b) The administrative committee is the logical component of the agency to recommend the expenses that are necessary and appropriate for the operation of the marketing agreement and order program. In securing these funds it is necessary that assessments be levied on the handlers to secure the funds to meet such expenses. Since no other source of funds is authorized under the act for defraying such expenses it is necessary that the handlers pay their pro rata share. The administrative committee should be required to prepare and submit to the Secretary a budget together with a report thereon showing the estimated expenses and a proposed rate of assessment for each fiscal year.

Assessments should be levied against the handler who is the applicant for inspection which will result in each handler paying his pro rata share of the necessary expenses incurred in administering the amended marketing agreement and order. Requiring the handler who is the applicant for inspection to pay the assessment to the committee will preclude multiple assessments in connection with individual shipments. The Secretary upon the basis of the administrative committee's recommendation or other available information should fix a rate of assessment per equivalent unit of vegetables which is an equitable and pro rata share of expenses in administering the program and which the applicant handler must pay.

The administrative committee should be permitted to make such expenditures during a fiscal year as are authorized and necessary for effective administration and proper functioning of the amended marketing agreement and order within the limitations of the budget or amended budget recommended by the administrative committee and approved by the Secretary for such fiscal year.

At any time during or subsequent to a given fiscal year the committee should be authorized to recommend the approval of an amended budget and the fixing of an increased assessment rate to balance the administrative expenses out of the revenue received. This is necessary because abnormal weather conditions can materially change the supply of vegetables that will be marketed.

The Secretary should be authorized upon the basis of such recommendations or other available information to change the rate of assessment and approve amended budgets if he finds that the then current rate of assessment and budget does not balance with expected expenses. Such changed rate should apply on a retroactive basis to all vegetables previously shipped during that season.

Revenues collected through assessments in excess of expenses for any fiscal year should be either set aside for a liquidation fund or credited on a pro rata basis to each contributing handler's account. Except for the small amount of funds that are set aside for liquidation any handler may demand payment in cash for his share of unused money.

By crediting the handler's account the committee has some operating funds at the beginning of each marketing season. Upon liquidation of the affairs of the committees the Secretary upon recommendation of the administrative committee should be allowed to determine the minimum amount of money that will be returned to an individual handler. This is necessary because it is impracticable to handle the bookkeeping and the writing of checks and the mailing expenses for such small accounts. Such monies which are not refunded to handlers should be used to help defray the expenses of liquidation.

Any administrative committee member or alternate responsible for or having in his custody any property, funds, records, or any other possessions of the administrative committee should be required to transfer such possessions to his successor or to such persons as may be designated by the Secretary and to execute such instruments as may be necessary to execute such transfers. The administrative committee and such members and alternates should be required to give an accounting for all receipts and disbursements and for all administrative committee property at the end of each fiscal year and at such other times as requested by the Secretary. These transfer and accounting requirements represent sound business procedure and are necessary in order to assure that there will be an unbroken succession in administrative committee possessions. During fiscal years when regulations are not in effect the administrative committee may recommend to the Secretary that one or more of its members should act as a trustee during such periods of inactivity. This is desirable to minimize the cost of maintaining these possessions and fixing the responsibility for them.

(c) The declared policy of the act is to establish and maintain such orderly marketing conditions for vegetables among other commodities as will tend to establish parity prices for such vegetables. The regulation of shipments of vegetables by grade, size, quality or prohibiting the shipment or shipment of vegetables packed for market during specified periods authorized in the amended marketing agreement and order provides a means of carrying out such policy.

The procedures which are outlined in the amended marketing agreement and order for the development and institution of marketing policies relating to grade, size, quality, or prohibition of marketing provides a practical basis for the marketing committees to obtain appropriate information regarding the various marketing problems. Also, nonmember growers and handlers are provided with such information regarding the policies and regulations that the marketing committees will recommend. The factors which the marketing committees should take into consideration in developing their marketing policies are the ones commonly and usually taken into account by growers and handlers in their day to day evaluation of market factors with respect to vegetables.

In order that the Secretary may effectively carry out his responsibilities in connection with the amended marketing agreement and order the marketing committees should prepare and submit to the Secretary a report on their proposed policy or amendments thereto for the marketing of vegetables during each fiscal year. The initial marketing policy of each marketing committee in each fiscal year should be prepared and submitted to the Secretary prior to or simultaneously with the recommendations for regulation. This will give all interested parties the maximum notice of a probable regulation.

In making recommendations for regulations it is provided that the marketing committees shall investigate relevant factors of supply in the production area and in competing areas and the demand for vegetables. This requirement is necessary so that the marketing committee will be better qualified to develop a sound and practical recommendation for regulations and to advise the Secretary with respect to such supply and demand conditions. The production area is relatively small and it is not necessary or desirable to regulate shipments differently for different portions of the production area or differently for different varieties. The quality of vegetables grown within the production area are similar in grade, size, and quality. Except for the time of maturity there is very little difference between the different varieties of vegetables grown in the production area. Vegetables are packed and sold on the basis of grade standards and such grade standards specify a certain uniformity of size and quality within the packages. In bulk loads of cauliflower it is common practice to ship a certain minimum grade standard with a minimum and a maximum size. Therefore there is no need to include in the amended marketing agreement and order a provision to prohibit unfair trade practices in the packing and handling of vegetables.

(d) The limitation of shipments of minimum standard of quality and maturity of the poor grades, qualities, and less desirable sizes of vegetables grown in the production area in the public interest will be desirable when prices are above parity. Less desirable sizes include not only small sizes of peas but small heads of cauliflower and extremely large heads of cauliflower. Such limitation of shipments will help to improve the long term demand for and the competitive position of these vegetables with those grown in other production areas and with such frozen vegetables.

(e) Peas and cauliflower are highly perishable. Each must be marketed within a few days after harvest. The market for each of these vegetables often drops to drastically low levels because of excessive supplies enroute to and in markets. At such times shipments are often rolled unsold. There is a tendency for growers and handlers to continue cutting and shipping these vegetables even in the face of disastrous prices which mean direct losses both to producer and handler. Cutting and shipping finally come to a halt under these circumstances when prices have reached a point where they will not bring sufficient returns to the farmer to cover immediate out-of-pocket costs. These extremely low price situations can be anticipated to some extent and avoided if the industry acts in unison under the shipping holiday provisions of the order. The members of each marketing committee will be experienced producers and handlers who have a good understanding of the market and who are in intimate, daily contact with it. These committee members, composed of both producers and handlers, generally know the amount which the market can take at reasonably satisfactory prices. They are capable of judging when shipments should be stopped. The shipping holiday provision is necessary because under certain market conditions involving immediate and prospective excess supplies, the committee can recommend that shipments should be stopped so that growers and handlers will not suffer excessive out-of-pocket losses. The shipping holidays which are authorized should not be in excess of 96 hours in duration because any longer period might result in inequities among growers. At the same time the committee should be authorized to recommend shipping holidays up to 96 hours in length because market supplies moving to and in markets may be sufficiently large to require that length of time to clear up the bad market situation. The primary objective of the shipping holiday is to clear up and prevent market gluts so packing and loading of vegetables should be stopped during the shipping holidays. The amended order should authorize the prohibition of the packing of vegetables during the shipping holiday so that, after markets have been relieved due to a shipping holiday, they will not become glutted immediately following the holiday by shipment of vegetables which were packed and loaded during the holiday. By prohibiting the packing and loading of vegetables during a holiday the length of a holiday may be shortened from what it would be if handlers continue to pack and load during a holiday period. The packing and loading of vegetables during a holiday will tend to defeat the purpose of the holiday and it will also tend to bring about greater peaks of shipments immediately following the holiday than if a normal pattern of regular harvesting, packing, loading, and shipping was followed. Some growers testified that vegetable growers should not be allowed to harvest for market but it was generally agreed that it was impracticable to try to determine whether a grower was harvesting a crop for market or for other purposes. It is more practicable and more feasible administratively to prohibit the packing of vegetables packed during a shipping holiday than it is to attempt to prohibit the harvest of such vegetables.

There should be at least three days between shipping holidays so that growers will have an opportunity to process and ship at least some of their commodity. If weather conditions are such that either of the vegetables subject to regulation under the order became ready for cutting and shipping within a short

period of time, some growers may have a large part of their crop ready for market within a one or two week period. If the order allowed a second shipping holiday to be called within less than three days after the completion of a previous shipping holiday some growers might be unable to participate in their equitable portion of the market. The provisions for a shipping holiday will help to prevent disastrous losses to producers and handlers of peas and of cauliflower and, at the same time, it will help to preserve equity among growers insofar as their ability is concerned to participate in existing markets.

(f) The Secretary upon the basis of recommendations and information submitted by the marketing committee or other available information should be authorized to modify, suspend, or terminate grade, size, or quality regulation with respect to shipments of vegetables for purposes other than disposition in normal commercial markets for vegetables. The marketing committee should be well qualified because of the experience and knowledge of individual members to recommend such modifications, suspensions or terminations as will be in the best interest of the vegetable industry in the production area and which will tend to effectuate the declared policy of the act. Shipments of vegetables for such purposes, which constitute market outlets that are not directly competitive with the fresh market outlets for vegetables, will tend to increase total returns to vegetable growers in the production area.

The modification, suspension or termination of regulations with respect to shipments of vegetables for export, distribution by the Federal government, manufacturing or conversion into specified products for charity or for other purposes which may be specified should permit the modification, suspension or termination of one or more regulatory provisions and the simultaneous retention of other regulatory provisions because such shipments may require expenditures of administrative funds to police such shipments. The shipment of vegetables for these specified purposes will not materially compete for the market outlets of these vegetables in fresh form. Therefore shipment for these purposes will increase grower returns from vegetables grown in the production area and thereby tend to effectuate the declared policy of the act.

(g) Administrative difficulties may arise in attempting to regulate shipments of small lots of vegetables as compared with large or common commercial shipments. These small shipments would include sale to tourists and shipments to nearby small markets. Problems of inspecting such small lots or other problems in complying with regulations on such lots may make it uneconomical, undesirable, and impracticable to require that such small shipments comply with any or all regulations required of the larger commercial shipments. Under such circumstances regulation of such small shipments would not tend to effectuate the declared policy of the act. It is concluded that the marketing committee should be authorized to recommend and the Secretary to establish minimum quantities which should not be subject to any or all regulations issued under the amended marketing agreement and order. It might be necessary to permit the maintenance of one or more regulatory requirements on such minimum quantities while relaxing other regulatory requirements. For example, the inspection requirements could be waived on small shipments but handlers thereof would be required to comply with the grade, size, and quality regulations with respect thereto.

The requirement that the Secretary shall notify the administrative committee of any regulations or any modifications, suspensions, or terminations of regulation is appropriate and necessary to enable the administrative committee to be informed of such actions. The administrative committee's obligation to give reasonable notice by such means as are deemed adequate to inform producers and handlers of regulatory orders issued by the Secretary is appropriate and necessary for proper and efficient administration of the amended marketing agreement and order.

Authority should be provided for the marketing committee to recommend and the Secretary to prescribe adequate safeguards to prevent vegetables which may be subject to special modified, suspended or terminated regulation from entering the current of commerce contrary to the provisions hereof. These safeguards are to be carried out by the administrative committee. Such safeguards among others may include inspection to provide the committee with an accurate record of grade, size, and quality of such shipments, applications to effect such shipments, and requirements for the payment of assessments in connection with such shipments. In order to maintain appropriate identification of such shipments of vegetables the committee should be authorized to issue certificates of privilege to handlers thereof and to require that such handlers obtain such certificates from the administrative committee. Certificates of privilege should be issued in accordance with the rules and regulations established by the Secretary on the basis of recommendations from the appropriate marketing committee or from other available information so that the issuance of such certificates may be handled in an orderly and efficient manner.

The administrative committee should be authorized to deny or rescind certificates of privilege when such action is necessary to prevent abuse of the privileges conferred thereby. The administrative committee should be authorized to take such rescinding or denial action upon evidence satisfactory to it that a handler to whom a certificate of privilege has been issued has handled vegetables contrary to the provisions thereof. Action by the administrative committee denying a handler such certificates should be in terms of a specified period of time. Handlers affected by the aforesaid rescinding or denial action should have the right of appeal to the administrative committee for reconsideration.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed or any certificates of privilege issued by the administrative committee in order that the Secretary may retain all rights necessary to carry out the declared policy of the act. The Secretary should give prompt notice to the administrative committee of any action taken by him in connection therewith and the administrative committee should currently notify all persons affected by the indicated action.

The administrative committee should maintain detailed records relevant to certificates of privilege and should submit reports thereon to the Secretary when requested in order to supply pertinent information requisite for him to discharge his duties under the act and the amended marketing agreement and order.

(g) Provision is made in the amended marketing agreement and order for inspection by the Federal-State inspection service or such other inspection service as the Secretary may approve of shipments of vegetables grown in the production area. Inspection certificates issued by this service are a common and usual means of specifying the grade, size and quality of vegetables and are generally used and recognized in the production area. Such certificates constitute prima facia evidence of the grade, size, and quality of the vegetables to which they apply and they are accepted in all Federal courts and in the State courts of Colorado as evidence of such. It is necessary to provide the handler, the administrative committee and any other interested party with a means of determining whether a shipment or shipments of vegetables complies with the requirements of any particular grade, size and quality regulation which may be in effect under the amended marketing agreement and order. The Federal-State Inspection Service can provide reasonably prompt inspection at all points within the production area at a reasonable fee if inspection is requested at a reasonable time prior to the anticipated shipment of the vegetable to be inspected. Accordingly the amended order should provide except as herein indicated that no handler shall ship vegetables unless prior thereto such shipment was inspected by the aforesaid service.

Copies of inspection certificates issued pursuant to the requirements of the amended order should be supplied to the administrative committee promptly so that it may properly discharge its administrative responsibilities thereunder.

The notice of hearing contained provisions that would require vegetables regraded, resorted or repacked to be reinspected and for the marketing committee with approval of the Secretary, to specify the length of time for which an inspection certificate is valid. These revisions are unnecessary and should be eliminated in the amended marketing agreement and order. Vegetables once packed are immediately loaded in a car and top ice is spread over the load. This makes the load inaccessible for a reinspection and it would not be practicable to require the car to be reinspected. There is virtually no regrading, resort-

ing, or repackaging of vegetables within the production area.

(h) The grade, size, and quality of individual vegetable crops vary from grower to grower although there is a decided tendency for most growers' crops in the production area to follow close to the average grade and size for the area. The use of normal approved cultural practices usually result in a vegetable crop of a grade, size, and quality that falls within the standard deviation of the average crop produced within the production area. Due to the proximity of high mountain ranges there are frequent hail storms that fall within small portions of the production area in all seasons. Damage caused by hail and a few other types of damage are beyond the control of the growers.

In order to provide equity among growers and shippers insofar as the effects of any given regulation or set of regulations are concerned it is necessary to permit under appropriate circumstances some producers and handlers to ship vegetables which are prohibited from shipment by such regulation or regulations. Such provisions should be evidenced by a certificate of exemption for the convenience of all persons interested therein but the certificate should be issued pursuant to rules and regulations adopted by the marketing committee on the basis of practicability and equity and approved by the Secretary. Such rules and regulations should provide the methods by which exemption certificates will be issued to producers and handlers who qualify therefor. Such rules and regulations should prescribe the procedures to be followed in applying for exemptions, the procedures to be followed in issuing exemption certificates and the procedure for appealing the denial of an exemption pursuant to the principles set forth for such exemptions in the amended marketing agreement and order. While the procedures for exemptions are recommended by the marketing committee the administration of these procedures shall be handled by the administrative committee.

Producers who want exemptions should apply to the administrative committee and furnish satisfactory evidence to substantiate representations contained in their applications. If field inspection is required such inspection should be made by the Federal-State or authorized inspection service. Applications are required to show all facts pertinent including the aforesaid acts beyond the applicant's control and acts beyond the applicant's reasonable expectations in the normal conduct of their business. Such acts could include but are not limited to hail damage, frost injury or wind damage. A handler who purchases a grower's crop in the field should be entitled to the same considerations as any other producer.

If the applicant is dissatisfied with the action of the administrative committee in handling his application for exemption he should have the right of appeal to the administrative committee for a reevaluation of his application. The applicant should be empowered to submit additional information or the committee may require additional information. The administrative committee should promptly report such final determination to the applicant thereof and report thereon to the Secretary.

The administrative committee should be required, as a matter of proper procedure, to provide the Secretary with information concerning all applications submitted for exemptions, exemptions issued and denied, the quantity of vegetables covered by exemptions, the amount of vegetables shipped under such exemptions, appeals and other related matters. The committee should furnish the Secretary, upon request, with periodic reports showing the pertinent facts compiled from such records.

(i) The provisions of the amended marketing agreement and order hereinafter set forth in §§ 910.80 through 910.96 are the same as those in the notice of the amendment hearings and are substantially the same provisions contained in the currently effective amended order 910. These provisions were not in controversy at the hearing and were merely published so that interested parties would have the complete text of the marketing agreement and order in one document.

General findings. Upon the basis of evidence introduced at the hearing and the record thereof it is found that:

(1) The amended marketing agreement and order as hereinafter set forth and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) Such amended order regulates the handling of vegetables grown in the production area in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement upon which the hearing has been held;

(3) The said amended order is limited in its application to the smallest regional production area which is practical consistent with carrying out the declared policy of the act;

(4) All handling of vegetables between the production area and any point outside thereof as defined in said amended order is in the current of interstate or foreign commerce or directly burdens, obstructs or affects such commerce.

Rulings on proposed findings and conclusions. Interested parties were allowed until April 10, 1953 to file briefs with respect to findings of facts and conclusions based on evidence introduced at the hearing. No such brief was filed; hence no ruling is necessary.

Recommended marketing agreement and order. The following amended order is recommended as the detailed means by which the aforesaid conclusions may be carried out.

DEFINITIONS

§ 910.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer, or employee of the United States Department of Agriculture, who is, or may hereafter be authorized to act in his stead.

§ 910.2 *Act.* "Act" means Public Act, No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 910.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 910.4 *Production area.* "Production area" means all territory included in the counties of Alamosa, Rio Grande, Conejos, Costilla, Mineral and Saguache in the State of Colorado.

§ 910.5 *Vegetables.* "Vegetables" means any one or more of the following agricultural commodities: peas and cauliflower.

§ 910.6 *Peas.* "Peas" means all varieties of peas for sale for consumption in fresh form grown in the production area.

§ 910.7 *Cauliflower.* "Cauliflower" means all varieties of cauliflower, for sale for consumption in fresh form grown in the production area.

§ 910.8 *Producer.* "Producer" means any person engaged in the production of vegetables for market.

§ 910.9 *Handler* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of vegetables owned by another person) who ships such vegetables.

§ 910.10 *Ship or handle.* "Ship or handle" means to sell, offer for transportation, or transport vegetables from any point within the production area to any point outside thereof.

§ 910.11 *Fiscal period.* "Fiscal period" means the period beginning on June 1 of each year and ending May 31 of the following year.

§ 910.12 *Committee.* "Committee" means (a) the administrative committee or the San Luis Valley Vegetable Committee and (b) each marketing committee.

§ 910.13 *Administrative committee.* "Administrative committee" means the San Luis Valley Vegetable Committee established pursuant to § 910.25.

§ 910.14 *Marketing committee.* "Marketing committee" means each one of the commodity marketing committees established pursuant to § 910.25.

§ 910.15 *Varieties.* "Varieties" means, with respect to each of the vegetables, all classifications or subdivisions thereof according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 910.16 *Pack or unit.* "Pack or unit" means, with respect to each of the vegetables, a volume of the respective vegetables contained in a basket, hamper, bag, crate, bulk load, or other container, and which falls within specific limits recommended by the appropriate marketing committee and approved by the Secretary.

§ 910.17 *Packing.* "Packing" means the trimming, grading and placing of

vegetables into a pack or unit for shipment to market.

§ 910.18 *Grade and size.* "Grade" means any one of the officially established grades of vegetables, and "size" means any one of the officially established sizes of vegetables, as defined and set forth in:

(a) United States Standards for Fresh Peas issued by the United States Department of Agriculture (14 F R. 564) or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Standards for Cauliflower issued by the United States Department of Agriculture (§ 51.171 of this title) or amendments thereto, or modifications thereof, or variations based thereon;

(c) Standards for Fresh Peas or Cauliflower, issued by appropriate authorities in the State of Colorado, or amendments thereto, or modifications thereof, or variations based thereon.

§ 910.19 *District.* "District" means each one of the geographical divisions of the production area initially established pursuant to § 910.26 or reestablished pursuant to § 910.29.

§ 910.20 *Export.* "Export" means shipment of vegetables beyond boundaries of Continental United States.

COMMITTEES

§ 910.25 *Establishment.* (a) The agencies for administering the terms and provisions of this part shall be the administrative committee and each of the following marketing committees: (1) The Pea Marketing Committee; and (2) the Cauliflower Marketing Committee.

(b) Such agencies shall be selected in accordance with the methods set forth in §§ 910.27 to 910.33, inclusive. Each marketing committee shall have sole responsibility and authority for recommending regulations pursuant to §§ 910.50 to 910.56, inclusive, for the vegetable which its members represent. The administrative committee whose members shall be selected from the marketing committees, shall provide the staff and services for carrying out its, and each marketing committee's powers and duties under this part.

§ 910.26 *Initial districts.* As a basis for selecting marketing committee members the following districts of the production area are hereby initially established:

PEAS

District No. 1 shall consist of the counties of Rio Grande, Mineral and Saguache;

District No. 2 shall consist of the counties of Alamosa, Costilla and Conejos.

CAULIFLOWER

District No. 1 shall consist of the county of Costilla;

District No. 2 shall consist of the county of Conejos;

District No. 3 shall consist of the counties of Alamosa, Mineral, Rio Grande and Saguache.

§ 910.27 *Marketing committees.* The following are the marketing committees and their compositions, respectively:

(a) The Pea Marketing Committee shall consist of eight members, of whom four shall be selected from producers of peas and four shall be selected from handlers of peas. Two producers shall be selected from District No. 1, two producers shall be selected from District No. 2. Handlers shall be selected at large from the production area.

(b) The Cauliflower Marketing Committee shall consist of six members, of whom four shall be selected from producers of cauliflower and two shall be selected from handlers. One producer shall be selected from District No. 1, one producer shall be selected from District No. 2; and two producers shall be selected from District No. 3. Handlers shall be selected at large from the production area.

§ 910.28 *Administrative committee.* The members of the administrative committee shall be selected from among marketing committees, and each marketing committee shall be represented on the administrative committee as follows: The Secretary shall select two administrative committee members from the Pea Marketing Committee and two committee members from the Cauliflower Marketing Committee. At least one member from each of the marketing committees must represent producers.

§ 910.29 *Redistricting.* Joint meetings of marketing committees may be called by the administrative committee to consider and to recommend, and pursuant thereto the Secretary may approve, the number of members on each such marketing committee, the apportionment of such members among districts within each such area, and the reestablishment of districts within the production area. *Provided,* That in recommending any such changes, the administrative committee shall give consideration to: (a) The importance of new production in its relation to existing districts and to existing organization of marketing committees; (b) shifts in acreage of each vegetable covered by this order during recent years within districts and within the production area, (c) changes in the relative position of marketing committees with respect to the acreage and production of the vegetable they represent and such relationships to proposed districts; (d) economies to result thereby for producers in promoting efficient administration, of this subpart; and (e) other relevant factors: *Provided further,* That such recommendations for any fiscal period shall be made at least 30 days prior to the beginning of such fiscal period. No such change may become effective for any fiscal period later than 30 days following the opening of such period.

§ 910.30 *Committee members and alternates.* (a) For each member of each marketing committee and for each member of the administrative committee there shall be an alternate who shall have the same qualifications as the member. Persons selected as producer members or alternates of each marketing committee shall be individuals who are producers of such vegetable in the respective district for which selected or officers or employees of a corporate producer of such vegetable in such district. A person may be a member of more than one marketing committee.

(b) An alternate member of a committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 910.31 *Term of office.* The term of office of members and alternates of the administrative committee shall be one year, and the term of office of members and alternates of each marketing committee shall be for two years, and until their successors are selected and have qualified: *Provided, however,* That the terms of office of members and alternates of each marketing committee shall be so determined that one-half of the total committee membership shall terminate at the end of each year. Members and alternates of the administrative committee shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified. The terms of office for members and alternates of the administrative committee and of the marketing committees shall begin on June 1.

§ 910.32 *Nomination.* The Secretary may select the members of the committees, with their respective alternates, from nominations which may be made in the following manner:

(a) The administrative committee shall hold or cause to be held prior to May 15 of each year, after the effective date of this subpart, a meeting or meetings of producers and a meeting or meetings of handlers in the production area;

(b) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(c) At each such meeting at least four nominees shall be designated for each member including the alternate member on the marketing committees;

(d) Nominations for marketing committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than May 15 of each year;

(e) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates.

(f) Regardless of the number of districts in which a person produces vegetables, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for members and alternates on each marketing committee: *Provided,* That in the event a person is engaged in producing vegetables in more than one district such person shall elect the district within which he may participate

as aforesaid in designating nominees: *Provided further* That an eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote for members and alternates on each marketing committee.

§ 910.33 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 910.32 the Secretary may, without regard to nominations, select the marketing committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 910.27 to 910.28, inclusive.

§ 910.34 *Acceptance.* Any person selected as an administrative committee or as a marketing committee member or alternate shall file a written acceptance with the Secretary.

§ 910.35 *Vacancies.* To fill committee vacancies, the Secretary may select members and alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 910.32. If the names of nominees to fill any such vacancy are not made available and post marked to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 910.27 to 910.28, inclusive.

§ 910.36 *Procedure.* (a) A majority of the members of each committee shall be necessary to constitute a quorum and a majority of concurring votes of the entire membership of each such committee or of a joint meeting of committees will be required to pass any motion or approve any committee action.

(b) The committees may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided,* That if any assembled meeting is held, all votes shall be cast in person.

§ 910.37 *Expenses and compensation.* Committee members and alternates shall serve as such members and alternates without compensation, but they may be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part.

§ 910.38 *Powers.* The administrative committee and each of the marketing committees shall have the following powers which may be necessary for each such committee to perform its functions in accordance with the provisions of this part:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 910.39 *Duties.* (a) It shall be the duty of the administrative committee:

(1) At the beginning of each fiscal year, to meet and organize, select from among its membership a chairman and such other officers as may be necessary and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(2) To act as intermediary between the Secretary and any producer or handler;

(3) To furnish to the Secretary such available information as he may request;

(4) To call joint meetings from time to time with the marketing committees.

(5) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(6) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to vegetables, as may be approved by the Secretary.

(7) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the administrative committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(8) To make available to producers and handlers marketing committee voting records on recommended regulations and on other matters of policy;

(9) At the beginning of each fiscal year to prepare a budget of its expenses and rate of assessments for such fiscal year, together with a report thereon;

(10) To cause the books of the administrative committee to be audited by a competent accountant at least once each fiscal period, and at such other time as such committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of such committee for inspection by producers and handlers; and

(11) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper activities and objectives of such committees under this part.

(12) To investigate an applicant's claim for exemption.

(b) It shall be the duty of each marketing committee:

(1) To nominate members and alternates for the administrative committee;

(2) To prepare a marketing policy;

(3) To recommend regulations to the Secretary pursuant to §§ 910.52 to 910.54, inclusive, which may be applicable to the handling of the respective vegetables for which such committees were established;

(4) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege and exemption pursuant to §§ 910.56, 910.70 to 910.76, inclusive;

(5) To select from among its membership a chairman and such other officers and subcommittees as may be necessary; and

(6) To adopt such rules and regulations for the conduct of its internal management as it may deem advisable.

EXPENSES AND ASSESSMENTS

§ 910.42 *Expenses.* The administrative committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by such committee during each fiscal period for the maintenance and functioning of such committee and each marketing committee, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of vegetables handled by him as the first applicant for inspection thereof during a fiscal period and the total quantity of vegetables handled by all handlers as first applicants for inspection thereof during such fiscal period.

§ 910.43 *Budget.* (a) At the beginning of each fiscal period and as may be necessary thereafter, the administrative committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The administrative committee may recommend to the Secretary a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The administrative committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

(b) Whenever the administrative committee finds that the rate of assessment for a fiscal period is not sufficient to provide revenue to defray expenses for such period, it may present an amended budget to the Secretary and recommend that the rate of assessment be changed to cover such expenses.

§ 910.44 *Assessments.* (a) The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first applies for inspection of vegetables shall pay assessments to the administrative committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the administrative committee's recommendations and other available information. Such rates may be applied equitably to each pack or unit.

(c) At any time during or subsequent to a given fiscal period the administrative committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations or other available information the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all vegetables which were regulated under this part and which were handled by

the first applicant for inspection thereof during such fiscal period.

§ 910.45 *Accounting.* (a) All funds received by the administrative committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the administrative committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the administrative committee he shall account for all receipts, disbursements, funds and property (including but not being limited to books and other records) pertaining to the administrative committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or person designated by the Secretary, the right to all of such property and funds and all claims vested in such person.

(c) The administrative committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the administrative committee.

§ 910.46 *Refunds.* At the end of each fiscal period or other representative period used by the administrative committee as a basis for seasonal accounting, monies arising from the excess of assessments over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him, or

(b) The Secretary, upon recommendation of the administrative committee, may determine that it is appropriate for the maintenance and functioning of such committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for administrative committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the committees: *Provided,* That upon termination of this part (1) any monies in the reserve for liquidation which are not required to defray the necessary expenses of liquidation shall be returned upon a pro rata basis to all persons from whom such funds were collected; or (2) that if the Secretary, upon recommendation of the administrative committee, determines that the amounts so returnable to individual handlers are so small as to make impracticable the computation and remitting of such pro rata refund to such persons, the remaining funds shall be deposited in the U. S. Treasury.

REGULATION

§ 910.50 *Marketing policy*—(a) *Preparation.* Prior to each season each marketing committee shall consider and prepare a proposed policy for the marketing of the vegetable for which it has the authority to recommend regulations. In developing its marketing policy each marketing committee shall investigate relevant supply and demand conditions for its particular vegetable. In such investigations each marketing committee shall give appropriate consideration to the following:

(1) Market prices for such vegetable, including prices by grade, size, and quality in different packs, or any other shipping unit;

(2) Supply of such vegetable by grade, size, and quality, in the production area and in other production areas;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for such vegetables;

(5) Orderly marketing of such vegetables as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports.* (1) Each marketing committee shall submit to the Secretary a report setting forth the aforesaid marketing policy, and a copy of such report shall be made available to the administrative committee. Each marketing committee with the assistance of the administrative committee also shall notify producers and handlers of the contents of such reports.

(2) In the event it becomes advisable to deviate from such marketing policy, because of changed supply and demand conditions the respective marketing committee shall formulate a new marketing policy in accordance with the manner previously outlined. Such committee also shall submit a report thereon to the Secretary, also to the administrative committee, and notify, with the assistance of the administrative committee producers and handlers of such revised or amended marketing policy.

§ 910.51 *Recommendation for regulations.* Each marketing committee shall recommend regulations to the Secretary whenever it finds that such regulation, as provided in § 910.52, will tend to effectuate the declared policy of the act. Each marketing committee also may recommend modification, suspension, or termination of any regulation in order to facilitate shipments of vegetables for the specified purposes set forth in § 910.53.

§ 910.52 *Issuance of regulations.* The Secretary shall limit the shipment of vegetables whenever he finds from the recommendations and information submitted by a marketing committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may include any or all of the following:

(a) Regulate the shipment of particular grades, sizes, or qualities of vegetables during any period; or

(b) Regulate the shipment of vegetables by establishing, in terms of grades, sizes or both, minimum standards of quality and maturity; or

(c) Prohibit during any period the shipment of vegetables, or the packing of vegetables during such period, or both; *Provided,* That such prohibition shall not exceed 96 hours: *Provided further* That not less than 72 hours shall elapse from the termination of such period to the commencement of a subsequent period during which such packing or shipment would be prohibited.

§ 910.53 *Modification, suspension or termination.* Upon the basis of recommendations and information submitted by the marketing committees, or other available information, the Secretary shall modify, suspend, or terminate regulations issued pursuant to §§ 910.44, 910.52, 910.65, and this section, or any combination thereof, in order to facilitate shipments of vegetables for the following purposes whenever he finds that it will tend to effectuate the declared policy of the act:

(a) For export;

(b) For distribution by the Federal government;

(c) For manufacture or conversion into specified products;

(d) For charity; and

(e) For other purposes which may be specified.

§ 910.54 *Minimum quantity regulation.* Each marketing committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 910.44, 910.52, 910.53, and 910.65, or any combination thereof.

§ 910.55 *Notification of regulation.* The Secretary shall notify marketing committees through the administrative committee of any regulations issued or of any modification, suspension, or termination thereof. Each marketing committee with the assistance of the administrative committee shall give reasonable notice thereof to producers and handlers.

§ 910.56 *Safeguards.* (a) The administrative committee upon recommendation of a marketing committee, and with the approval of the Secretary, shall prescribe adequate safeguards to prevent shipments pursuant to §§ 910.53 and 910.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificate of Privilege if such certificates are prescribed as safeguards by such committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship vegetables pursuant to § 910.53;

(2) Handlers shall obtain inspection provided by § 910.65 or pay the pro rata share of expenses provided by § 910.44,

or both, in connection with shipments effected under the provisions of § 910.53: *Provided,* That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the administrative committee for shipments of vegetables effected or to be effected under the provisions of § 910.53.

(b) The administrative committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that vegetables shipped by him for the purposes stated in § 910.53, were handled contrary to the provisions of this subpart.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the administrative committee pursuant to the provisions of this section.

(d) The administrative committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of vegetables covered by such applications, the number of such applications denied and certificates granted, the quantity of vegetables shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 910.65 *Inspection and certification.* (a) During any period in which shipments of vegetables are regulated pursuant to the provisions of §§ 910.44, 910.52, or 910.53 or any combination thereof, no handler shall ship vegetables unless each such shipment is inspected by an authorized representative of the Federal-State Inspection Service or such other inspection service as the Secretary shall designate, except when relieved from such requirement pursuant to §§ 910.53 and 910.54.

(b) Each handler procuring such inspection shall make arrangements with the inspecting agency to forward promptly to the administrative committee a copy of the inspection certificate.

EXEMPTIONS

§ 910.70 *Policy.* Any producer whose vegetables have been adversely affected by acts beyond his control or any person who has purchased a field of unharvested vegetables prior to the occurrence of such adverse acts and who, by reason of any regulation issued pursuant to § 910.52 is prevented from shipping during the season or a specific portion thereof, as large a proportion of his crop as the average proportion shipped or to be shipped during comparable portions of the season by all producers in his immediate area of production, may apply to the administrative committee for exemptions from such regulations for the purpose of obtaining equitable treatment under such regulations.

§ 910.71 *Rules and procedures.* The administrative committee shall adopt, upon the recommendation of a marketing committee, and with approval of the Secretary, the rules and procedures pursuant to which certificates of exemption will be issued.

§ 910.72 *Marketing committee determinations.* Each marketing committee, when making recommendations for rules and regulations relative to the issuance of certificates of exemption, shall:

(a) Determine the average proportion of production which can be shipped by all producers in the production area for the season to be covered by the proposed rules and regulations;

(b) Determine the portion or portions of the production area constituting an immediate area or areas of production for prospective applicants;

(c) Determine methods for establishing an appropriate and equitable basis for comparisons between any producer's crop, or specific portion thereof, and the average proportion of production which may be shipped by all producers within any such producer's immediate shipping area during the entire season; and

(d) Give reasonable notice through the administrative committee to producers, handlers, and other interested parties with respect to such determinations.

§ 910.73 *Applications and issuance.* The administrative committee shall issue certificates of exemption to any qualified applicant who furnishes adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's vegetables have been adversely affected by acts beyond the applicant's control.

(b) That by reason of regulations issued pursuant to § 910.52 an applicant will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate area of production during the season or a specific portion thereof;

(c) Each certificate shall permit the recipient thereof to ship the vegetables described thereon, and evidence of such certificates shall be made available to subsequent handlers thereof.

§ 910.74 *Investigation.* The administrative committee and the marketing committee serving the commodity which the applicant wishes to ship shall be permitted at any time to make a thorough investigation of any applicant's claim pertaining to exemptions. Field inspection, if required, shall be made by the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate.

§ 910.75 *Appeals.* If any applicant for exemption certificates is dissatisfied with the determination with respect to his application, said applicant may file an appeal with the administrative committee. Any applicant filing an appeal shall furnish evidence satisfactory to the administrative committee for a determination on the appeal. The administrative committee shall thereupon consider the application, examine all available evidence, and make a final determination concerning the application. The administrative committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 910.76 *Records.* The administrative committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of vegetables covered by such exemption certificates, a record of the amount of vegetables shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the administrative committee upon request of the Secretary.

EFFECTIVE TIME AND TERMINATION

§ 910.80 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 910.81 *Termination.* (a) The Secretary may at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during the preceding fiscal period, have been engaged in the production for market of vegetables: *Provided,* That such majority has during such fiscal period, produced for market more than fifty percent of the volume of such vegetables produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 910.82 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the administrative committee shall continue as trustees for the purpose of liquidating the affairs of such committee of all the funds and property then in the possession of or under control of such committee including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the administrative committee and of the trustees, to such person as the Secretary may direct and shall upon request of the

Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the administrative committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the administrative committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of such committee and upon the said trustees.

§ 910.83 *Effect of termination or amendment.* (a) Unless otherwise expressly provided by the Secretary the termination of this subpart or any regulation issued pursuant to this subpart or the issuance of any amendments to either thereof, shall not (1) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart or (2) release or extinguish any violation of this subpart or of any regulations issued under this subpart or (3) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

(b) The persons who are members and alternates of the Administrative Committee established pursuant to Order No. 10, as amended, on the effective date of this subpart, shall continue in office under this subpart until their successors have been selected and have qualified; and all rules and regulations issued pursuant to Order No. 10, shall continue in effect until terminated in accordance with their present terms, or until modified, suspended, or terminated by the Secretary in accordance with the provisions of this subpart.

MISCELLANEOUS PROVISIONS

§ 910.85 *Reports.* Upon the request of the administrative committee, with approval of the Secretary, every handler shall furnish to such committee, in such manner and at such time as may be prescribed, such information as will enable the administrative committee to exercise its powers and perform its duties under this subpart. The Secretary shall have the right to modify change, or rescind any requests for reports pursuant to this section.

§ 910.86 *Compliance.* Except as provided in this subpart, no handler shall ship vegetables, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship vegetables except in conformity to the provisions of this subpart.

§ 910.87 *Right of the Secretary.* The members of the administrative committee and the members of the marketing committees (including successors and alternates) and any agent or employee appointed or employed by such committees, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of such committees shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 910.88 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 910.89 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 910.90 *Derogation.* Nothing contained in this subpart is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 910.91 *Personal liability.* No member or alternate of the administrative committee nor any marketing committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 910.92 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 910.93 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee, or by the Secretary.

§ 910.94 *Counterparts.* This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 910.95 *Additional parties.* After the effective date of this subpart, any handler who has not previously executed this agreement may become a party to this subpart if a counterpart of this subpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 910.96 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of vegetables in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Done at Washington, D. C., this 13th day of May 1953.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator

[F. R. Doc. 53-4377; Filed, May 15, 1953; 8:55 a. m.]

[1] Applicable only to the proposed marketing agreement.

[7 CFR Part 949]

[Docket No. AO 232-A1 RO3]

HANDLING OF MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

SUPPLEMENTARY NOTICE OF REOPENING OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), this notice supplements the notice issued on April 30, 1953, with respect to the reopening of the public hearing held August 26, 1952, and reopened November 5, 1952, at San Antonio, Texas, on proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area.

The purpose of the reopened hearing is to afford interested parties opportunity to introduce additional evidence with respect to the proposed amendments which were not acted upon by the Secretary in his decision of November 20, 1952 (17 F R. 10658) and to receive evidence concerning the additional proposals contained in the notice issued April 30, 1953, and in this supplementary notice as hereinafter set forth, or appropriate modifications thereof. Neither the proposals set forth below nor those contained in the prior notices and upon which no action has been taken, have been approved by the Secretary of Agriculture.

The reopened hearing will be held in the U. S. Post Office and Court House, San Antonio, Texas, beginning at 10:00 a. m., c. s. t., May 21, 1953.

The following additional amendments have been proposed:

By Cream Crest Creamery, Milam Creamery, Rio Vista Dairy Farms, Highland Dairies, Inc., and S. B. Baker Dairy:

13. Amend the order to incorporate a base and excess plan for paying producers.

By Producers Association of San Antonio, Inc..

14. Delete § 949.7 and substitute therefor the following:

§ 949.7 *Handler* "Handler" means a person in his capacity as an operator of an approved plant, or any cooperative association with respect to the milk of any producer which is diverted from an approved plant to an unapproved plant by such cooperative association for its account.

By the Knowlton's Creamery and the Borden Company·

15. Delete from § 949.61 (b) the following language: "(subject to a deduction of (60 cents) per hundredweight if the approved plant of such handler is located in the market area defined in Federal Order No. 43 as North Texas marketing area)"

Copies of this supplementary notice of reopening of hearing, and the order now in effect, may be procured from the Market Administrator, 1204 North Main Avenue, San Antonio, Texas, or from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: May 13, 1953.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator

[F. R. Doc. 53-4393; Filed, May 15, 1953; 8:56 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 60, 61]

SPECIAL CIVIL AIR REGULATION

LONG-DISTANCE DOMESTIC SCHEDULED AIR CARRIER OPERATIONS

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an extension of the authority granted by Special Civil Air Regulation SR-382 as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by June 5, 1953. Copies of such communications will be available after June 9, 1953, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Special Civil Air Regulation SR-382 which terminates June 30, 1953, provides special operating rules for scheduled air carrier aircraft operating in long-distance domestic operations at altitudes in excess of 12,500 feet above sea level east of longitude 100° W and at altitudes in excess of 14,500 feet above sea level west of longitude 100° W At the time SR-382 was adopted it was anticipated that the revision of Parts 40 and 61, which incorporate similar provisions, would be in effect prior to June 30, 1953. Although revised Part 40 was recently adopted by the Board, it will not become effective until October 1, 1953. It is therefore desirable to extend the rules provided in SR-382 until October 1, 1953, at which time revised Part 40 will apply.

Accordingly, it is proposed to extend the authorization granted by SR-382 to October 1, 1953, as follows:

Flights of scheduled air carriers while at altitudes in excess of 12,500 feet above sea level east of longitude 100° W and 14,500 feet above sea level west of longitude 100° W. shall comply with the applicable provisions of the Civil Air Regulations except as follows:

(a) Such flights need not comply with the requirements of §§ 60.45, 61.252, or any sections of Parts 40 and 61 concerning civil airways.

(b) Such flights need not comply with the requirements of §§ 60.21, 60.43, 60.47, and 61.171 (c) except to the extent which the Administrator may prescribe.

(c) Each pilot in command engaged in those operations shall be qualified for the route, if he is qualified for operations over any regular authorized route for the air carrier involved between the regular terminals for such operations.

(d) Each dispatcher who dispatches aircraft on flights authorized by this regulation shall be qualified under § 61.154 of the Civil Air Regulations for operation over an authorized route for the air carrier involved between the regular terminals of such operations: *Provided,* That when he is qualified only on a portion of such route he may dispatch aircraft only after coordinating the dispatch with dispatchers who are qualified for the other portions of the route between the points to be served.

This regulation supersedes Special Civil Air Regulation SR-382 and shall terminate October 1, 1953, unless sooner superseded or rescinded.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012; 49 U. S. C. 551-560; 62 Stat. 1216)

Dated: May 12, 1953, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 53-4376; Filed, May 15, 1953; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 10186]

PRACTICE AND PROCEDURE

ORDER WITHDRAWING PROPOSAL CONCERNING PROCESSING OF APPLICATIONS

In the matter of amendment of § 1.373 of the Commission's rules and regulations; Docket No. 10186.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of May 1953;

On April 17, 1952, the Commission issued a notice of proposed rule making (FCC 52-375) published in the FEDERAL REGISTER on April 26, 1952 (17 F. R. 3747) proposing to establish two lines for the processing of applications for standard broadcast stations.

The number of pending applications for standard broadcast facilities has been reduced substantially and there is no longer a need for the proposed rule.

It is ordered, That effective immediately the subject notice of proposed rule making is withdrawn.

Released: May 8, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-4359; Filed, May 15, 1953; 8:52 a. m.]

[47 CFR Part 2]

[Docket No. 10490]

FREQUENCY ALLOCATION AND TREATY MATTERS; GENERAL RULES AND REGULATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the band 2172-2192 kc and the addition of that band to footnote 2 pertaining to § 2.104 (a) (3) (i) and (iii) Docket No. 10490.

1. Notice is hereby given of proposed rule-making in the above-entitled matter.

2. It is proposed to amend Part 2 of the Commission's rules and regulations to provide that, as of August 1, 1953, the frequency band 2172-2192 kc will be available for use only in accordance with the Atlantic City Table of Frequency Allocations and the Geneva Agreement (1951). However, pursuant to the proceeding in Docket No. 10211 existing remote pickup broadcast base and mobile stations may continue to use the frequency 2190 kc until February 1, 1954, subject to the condition that no harmful interference will be caused to the use of the international distress and calling frequency 2182 kc.

3. The proposed amendment would require the following changes in Part 2, rules governing Frequency Allocation and Treaty Matters:

(a) Amend footnote 2 to § 2.104 (a) (3) (i) and (iii) to add the band 2172-2192 kc.

(b) Amend § 2.104 (a) *Table of frequency allocations,* as set forth below.

4. The proposed amendments to the rules are issued under the authority of sections 303 (c) (f) and (r) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendments

should not be adopted may file with the Commission on or before June 8, 1953, a written statement or brief setting forth his comments. Persons desiring to support the amendments may also file comments by the same date. Replies to comments may be filed within 10 days from the last day for filing original comments. The Commission will consider all comments and briefs presented before taking final action with respect to the proposed amendments.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of statements or comments shall be furnished to the Commission.

Adopted: May 6, 1953.

Released: May 8, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

In Part 2, rules governing Frequency Allocation and Treaty Matters, amend § 2.104 (a) *Table of frequency allocations,* as follows: In the band 2107–2300 kc amend the entries in columns 1 through 10 to read as follows:

1	2	3	4	5	6	7	8	9	10
2107–2172	----	a. Fixed. b. Mobile.	---- ----	a. Fixed. b. Mobile. (151)	a. Fixed. b. Mobile.	2107–2172 (NG1)	a. Fixed. (NG26) b. Land mobile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.	a. Aeronautical fixed. b. Fixed (in Alaska). c. Industrial. d. International fixed public. e. Maritime mobile. f. Public safety. g. Remote pickup broadcast base. h. Remote pickup broadcast mobile.
2172–2192	----	a. Fixed. b. Mobile.	---- ----	a. Fixed. b. Mobile. (148, 151)	a. Fixed. b. Mobile.	2172–2192 (NG1)	Maritime mobile.	a. Coast 2182. b. Ship.	Maritime mobile (telephony) distress and calling frequency.
2192–2300	----	a. Fixed. b. Mobile.	---- ----	a. Fixed. b. Mobile. (151)	a. Fixed. b. Mobile.	2192–2300 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile. d. Land mobile. e. Ship.	a. Base.	a. Aeronautical fixed. b. Fixed (in Alaska). c. Industrial. d. International fixed public. e. Maritime mobile. f. Public safety. g. Remote pickup broadcast base. h. Remote pickup broadcast mobile.

[F. R. Doc. 53–4353; Filed, May 15, 1953; 8:51 a. m.]

[47 CFR Parts 2, 3]

[Docket No. 10491]

CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcasting Stations; Docket No. 10491.

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations as follows:

General area	Channels	
	Delete	Add
Knoxville, Tenn.	247	
Crossville, Tenn.		246

3. The purpose of the proposed amendment is to provide a Class B channel in Crossville, Tennessee, thereby facilitating consideration of a pending application requesting a Class B assignment there.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i) 301, 303 (c) (d) (f) and (r) and 307 (b) of the Communications Act of 1934 as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before June 8, 1953 a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: May 6, 1953.

Released: May 8, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–4354; Filed, May 15, 1953; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 9501]

FM BROADCAST STATIONS

ORDER WITHDRAWING PROPOSAL CONCERNING MINIMUM HOURS OF OPERATION

In the matter of amendment of § 3.261 of the Commission's rules and regulations concerning hours of operation of FM Broadcast Stations; Docket No. 9501.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of May 1953.

On November 16, 1949, the Commission issued a notice of proposed rule making (FCC 49–1515), published in the FEDERAL REGISTER on November 23, 1949 (14 F. R. 7110) proposing to increase the required minimum hours of operation of FM stations.

In light of the passage of time and the changed conditions since the issuance of the above notice of proposed rule making;

It is ordered, That, effective immediately, the subject Notice of Proposed Rule Making is withdrawn.

Released: May 8, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53–4355; Filed, May 15, 1953; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 10492]

STANDARD BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations; Docket No. 10492.

1. Notice is hereby given of proposed rule making the above-entitled matter.

2. The Standards of Good Engineering Practice Concerning Standard Broadcast Stations (in section 1 the first, second and third paragraphs appearing after Table III) provides, in part, that the existence or the absence of objectionable skywave interference may be established by skywave field intensity measurements and in Annex III and section 2, subsection C set forth detailed procedures for the making and submission of such measurements. It is further provided that such measurements take precedence over results obtained by use of appropriate skywave curves contained in the said Standards.

3. On the basis of our experience it appears that the application of these provisions for the case by case consideration of skywave propagation by measurement of skywave signals is wholly unsatisfactory. It appears that the use of the limited amount of data available in individual cases cannot be relied upon to refute the validity and application to particular situations of the skywave curves contained in the Standards (Figures 1 and 1A) These curves are based

upon relatively large amounts of data secured over a considerable period of time and indicate average skywave fields of broadcast stations much more reliably than the measurements provided for in the existing rules. Nor are there any other types of individual measurements which it is believed it would be practical to prescribe.

4. Accordingly, the Commission proposes to delete the provisions in the Standards providing that the intensity of skywave broadcast signals may be computed on the basis of individual measurements and prescribing the method of making such measurements. However, the Commission is not proposing to preclude any person from submitting such skywave recordings as may be taken from time to time and which, considered together with existing data, may lead to the formulation of revised skywave curves or allocation rules. On the contrary, where data indicates the necessity or advisability of revising the existing rules and standards relating to the proper determination of skywave service or interference, the Commission will institute an appropriate rule making proceeding to accomplish this result.

5. The proposed deletions and editorial revisions in the Standards are set forth below.

6. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before May 29, 1953, a written statement or brief setting forth comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within 10 days from the last date for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action on this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or argument will be given.

7. In accordance with the provisions of § 1.764 of Part 1 of the Commission's rules and regulations an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

8. This notice is issued pursuant to section 303 of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

Adopted: May 6, 1953.

Released: May 8, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Standards of Good Engineering Practice Concerning Standard Broadcast Stations:

1. It is proposed to amend section 1 of these Standards as follows:

a. Delete the first, second and third paragraphs appearing after Table III and substitute the following:

In case a directional antenna is employed, the interfering signal of a broadcasting station will vary in different directions, being greater than the above values in certain directions and less in others, depending upon the design and adjustment of the directional antenna system. To determine the interference in any direction the measured or calculated radiated field (unabsorbed field intensity at 1 mile from the array) must be used in conjunction with the appropriate propagation curves.[9]

The existence or absence of objectionable groundwave interference from stations on the same or adjacent channels shall be determined by actual measurements made according to the method hereinafter described, or, in the absence of such measurements, by reference to the propagation curves of Appendix I. The existence or absence of objectionable interference due to skywave propagation shall be determined by reference to the appropriate propagation curves in Figure 1 or Figure 1–A.

In computing the fifty (50) percent skywave field intensity values and the ten (10) percent skywave field intensity values of a station on a clear channel use shall be made of the appropriate graph set forth in Figure 1 entitled "Average Skywave Field Intensity" (corresponding to the second hour after sunset at the recording station) These graphs are drawn for a radiated field of 100 mv/m at 1 mile in the horizontal plane from a 0.311 wavelength antenna. In computing the ten (10) percent skywave field intensity of a regional channel station use shall be made of the appropriate curve in Figure 1–A entitled "10 percent Skywave Signal Range" This graph is drawn for a radiated field of 100 mv/m at 1 mile at the vertical angle pertinent to transmission by one reflection. This curve supersedes the ten (10) percent skywave curve of Figure 1, only for regional and local channels at the present time.[10] Adoption of revised skywave curves for use on clear channels will await the outcome of the Clear Channel Hearing (Docket No. 6741)

b. Delete Annex III.

2. It is proposed to amend section 2 of these Standards as follows:

a. Change parenthetical expression appearing in the fifth paragraph of subsection A from "(See § 3.16)" to "(See § 3.14) "

b. Delete first four paragraphs in subsection C and substitute the following:

In the determination of interference, groundwave field intensity measurements will take precedence over theoretical values provided such measurements are properly taken and presented. When measurements of groundwave signal intensity are presented, they shall be sufficiently complete in accordance with sections A and B above to determine the field at 1 mile in the pertinent directions for that station.

[F. R. Doc. 53-4356; Filed, May 15, 1953; 8:51 a. m.]

[9] See Annex II for further discussion and solution of a typical directional antenna case.

[10] The Commission will not authorize a directive antenna for a Class IV station assigned a local channel.

[47 CFR Part 3]

[Docket No. 10493]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing Television Broadcast Stations; Docket No. 10493.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Bowling Green University, Bowling Green, Ohio, filed a petition on February 9, 1953, requesting the amendment of § 3.606 of the Commission's rules and regulations so as to assign UHF Channel 18 to Bowling Green, Ohio, to be reserved for noncommercial educational use. The University urges that the proposed assignment comes within one of the express exceptions to the "one year rule" specified by § 3.609 of the rules. It is urged that the assignment of Channel 18 may be accomplished without requiring any other changes in the Table of Assignments.

3. Bowling Green, Ohio, lies within 250 miles of the United States-Canadian border, and therefore comes within the purview of the United States-Canadian Television Agreement. Because Channel 18 at Bowling Green would be 166 miles from the co-channel assignment at London, Ontario, Canada, the Canadian Government has indicated its reluctance to the assignment of Channel 18 to Bowling Green, Ohio. In view of this and also of the fact that UHF Channel 70 could be assigned to Bowling Green in conformity with the minimum spacing requirements, the Commission believes that the public interest would best be served by the assignment of Channel 70 to Bowling Green. Accordingly, it is proposed to amend § 3.606 *Table of assignments,* of the Commission's rules and regulations as follows:

Add to Table of Assignments under the State of Ohio:

	Channel No.
Bowling Green	*70

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c) (d) (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before May 29, 1953 a written statement brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of

all statements, briefs, or comments shall be furnished the Commission.

Adopted: May 7, 1953.

Released: May 11, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-4357; Filed, May 15, 1953; 8:51 a. m.]

[47 CFR Part 3]

[Docket No. 10499]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing television broadcast stations; Docket No. 10499.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In accordance with a petition filed by J. F Tighe, Porterville, California, on April 16, 1953, and now made part of this docket, and it appearing that the petition complies with § 3.609 of the Commission's rules in that it proposes an assignment of a television channel in a community which is not listed in the Table and is within 15 miles of a city so listed nor would the proposed assignment require any other changes in the Table, it is proposed to amend § 3.606 *Table of assignments,* rules governing Television Broadcast Stations, as follows:

Add to Table of Assignments under the State of California.

	Channel No.
Porterville	55

3. The purpose of the proposed amendment is to provide a television channel assignment in the community named in paragraph 2 above not otherwise available under the rules.

4. Authority for the adoption of the proposed amendment is contained in section 4 (i) 301, 303 (c) (d) (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before May 29, 1953, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: May 7, 1953.

Released: May 11, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-4358; Filed, May 15, 1953; 8:52 a. m.]

[47 CFR Part 9]

[Docket No. 10448]

AERONAUTICAL SERVICES

ORDER EXTENDING DATE FOR FILING BRIEFS

In the matter of amendment of §§ 9.172 and 9.446 of the Commission's rules and regulations governing Aeronautical Services; Docket No. 10448.

The Commission having under consideration a request timely filed by Aeronautical Radio, Inc., for a 30-day extension of time for the filing of comments in the above-designated proceeding, solely with regard to § 9.172, in order to enable it to obtain further pertinent data considered necessary in connection with the preparation of its brief for transmission to the Commission;

It appearing, that the notice of proposed rule making in the above-designated proceeding which the Commission released on April 9, 1953, afforded an opportunity to interested parties to file on or before May 18, 1953 written statements or briefs setting forth their comments and provided that comments or briefs in reply to the original comments may be filed within ten (10) days from the last day for filing the said original comments; and

It further appearing, that Aeronautical Radio, Inc., being the licensee of a large number of aeronautical stations, which are equipped with various types of transmitting equipment, requires an additional period of time beyond May 18, 1953, within which to obtain the data necessary in connection with the preparation of its brief with regard to the proposed amended § 9.172; and

It further appearing, that Aeronautical Radio, Inc's. request is reasonable:

It is ordered, This 8th day of May 1953, that, solely with regard to the proposed amended § 9.172, the date for filing written statements or briefs setting forth the comments of the interested parties in this proceeding is extended until June 17, 1953, and the date for filing comments or briefs in reply to the original comments is extended until June 29, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-4360; Filed, May 15, 1953; 8:52 a. m.]

NATIONAL MEDIATION BOARD

[29 CFR Part 1206]

HANDLING OF REPRESENTATION DISPUTES UNDER THE RAILWAY LABOR ACT

NOTICE OF HEARING AND SUSPENSION OF EFFECTIVE DATE

1. Reference is made to notice of proposed rule making on the above subject which was issued by order of the National Mediation Board on April 7, 1953, and published in the FEDERAL REGISTER for April 14, 1953.

2. Requests have been received under paragraph 5 of above described notice from various interested parties for a public hearing on this subject. The National Mediation Board will hold a public hearing on this notice of proposed rule making in Washington, D. C., at 10:00 a. m., June 2, 1953, at a place to be announced later.

3. The effective date of proposed § 1206.4 is hereby suspended until further notice pending public hearing on June 2, 1953.

By order of the National Mediation Board, at Washington, D. C., this 12th day of May 1953.

[SEAL] E. C. THOMPSON,
Secretary.

[F. R. Doc. 53-4335; Filed, May 15, 1953; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1953, 85th Supp.]

WESTCHESTER FIRE INSURANCE CO., NEW YORK

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6-13, as an acceptable surety on Federal bonds. An underwriting limitation of $2,569,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

NAME OF COMPANY, LOCATION OF PRINCIPAL EXECUTIVE OFFICE AND STATE IN WHICH INCORPORATED

NEW YORK

Westchester Fire Insurance Company, New York.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 53-4372; Filed, May 15, 1953; 8:55 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1953, 86th Supp.]

UNITED STATES FIRE INSURANCE CO., NEW YORK

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6-13, as an acceptable surety on Federal bonds. An underwriting limitation of $4,569,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which when issued may be obtained from the Treasury Department, Bureau of Ascounts, Surety Bonds Branch, Washington 25, D. C.

NAME OF COMPANY, LOCATION OF PRINCIPAL EXECUTIVE OFFICE AND STATE IN WHICH INCORPORATED

NEW YORK

United States Fire Insurance Company, New York.

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 53-4373; Filed, May 15, 1953; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED; DESIGNATION OF REFERENDUM AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to § 993.90 (b) of Order No. 93, as amended (7 CFR 1951 Supp., Part 993) and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) it is hereby directed that a referendum be conducted among producers who, during the period August 1, 1952 through April 30, 1953 (which is hereby determined to be a representative period for the purpose of this referendum) were engaged, in the State of California, in the growing of prune plums for the production of dried prunes in said State for market, to determine whether such producers favor termination of the said order. The referendum has been recommended by a majority of the producer members of the Prune Administrative Committee, the administrative agency for the program, in accordance with the provisions of § 993.90 (b) of the aforesaid amended order.

Werner Allmendinger, Ralph C. Rush, C. R. Eastman, and Hugh Ross, of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents of the Secretary to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referanda Among Producers in Connection with Marketing Orders (Except those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176) except for the purpose of this referendum:

A. Paragraph (c) (1) shall read as follows:

(1) Conduct the referendum in the manner herein prescribed by giving opportunity to producers who, during the period August 1, 1952-April 30, 1953 (which period is determined to be a representative period) were engaged, in the State of California, in the growing of prune plums for the production of dried prunes in said State for market, to cast their ballots relative to the termination of Order No. 93, as amended (7 CFR, 1951 Supp., Part 993)

B. Paragraph (c) (5) shall read as follows:

(5) Make available to producers and the aforesaid cooperative associations instructions on voting, an appropriate ballot and other necessary forms.

C. Paragraph (d) (3) shall read as follows:

(3) Distribute ballots and other necessary forms to producers and receive any ballots which are cast; and

Copies of Order No. 93, as amended, and of the aforesaid procedure (15 F R. 5176) and of this order may be examined in: The office of the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., the San Francisco Marketing Field Office, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, 333 Fell Street, P. O. Box 3638, San Francisco 2, California; and the county Production and Marketing Administration office in each of the prune producing counties in California.

Ballots to be cast in the referendum and other necessary forms and instructions may be obtained from the San Francisco Marketing Field Office, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, 333 Fell Street, P. O. Box 3638, San Francisco 2, California, and the county Production and Marketing Administration office in each of the prune producing counties in California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c; 7 CFR, 1951 Supp., Part 993.90 (b))

Done at Washington, D. C., this 13th day of May 1953.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-4378; Filed, May 15, 1953; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9136, 10316]

PIONEER BROADCASTERS, INC. AND MOUNT HOOD RADIO AND TELEVISION BROADCASTING CORP.

ORDER CONTINUING HEARING

In re applications of Pioneer Broadcasters, Inc., Portland, Oregon, Docket No. 9136, File No. BPCT-431, Mount Hood Radio and Television Broadcasting Corporation, Portland, Oregon, Docket No. 10316, File No. BPCT-1029; for television construction permits.

The Commission having under consideration a petition filed May 4, 1953, by Pioneer Broadcasters, Inc. for a continuance of the hearing in the above-entitled proceeding from May 11, 1953, to May 18, 1953; and

It appearing, that counsel for all other parties in this proceeding have consented to a grant of said petition and to a waiver of § 1.745 of the Commission's rules in order to permit immediate consideration of the petition; and that the examiner assigned to the proceeding is absent from the City and is therefore unable to take immediate action on the petition;

It is ordered, This 6th day of May 1953, that the petition is granted; and the hearing in the above-entitled proceeding is continued to May 18, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-4361; Filed, May 15, 1953; 8:52 a. m.]

[Docket Nos. 10262, 10263]

KAKE BROADCASTING CO., INC., AND MID-CONTINENT TELEVISION, INC.

NOTICE OF FURTHER HEARING

In re applications of KAKE Broadcasting Company, Inc., Wichita, Kansas, Docket No. 10263, File No. BPCT-700; Mid-Continent Television, Inc., Wichita Kansas, Docket No. 10262, File No. BPCT-964; for construction permits for new television stations.

Notice is hereby given that a further hearing in the above-entitled proceeding will be held in the offices of the Federal Communications Commission, Room 1703, Tempo "T" Building, Washington,

D. C., at 3:00 o'clock p. m., on Thursday, May 7, 1953.

Dated this 5th day of May 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HUGH B. HUTCHISON,
Hearing Examiner

[F. R. Doc. 53-4368; Filed, May 15, 1953; 8:53 a. m.]

[Docket No. 10452]

T. E. ALLEN & SONS, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of T. E. Allen & Sons, Inc., Durham, North Carolina, Docket No. 10452, File No. BPCT-1532; for a construction permit for a new television broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 7th day of May 1953;

The Commission having under consideration (a) its action of February 25, 1953, wherein it found the above-entitled applicant legally, technically, financially and otherwise qualified and granted the above-entitled application without a hearing; (b) the "Protest by Applicant Public Information Corporation" filed on March 24, 1953, pursuant to section 309 (c) of the Communications Act of 1934, as amended, directed against the Commission's action of February 25, 1953, granting without a hearing the above-entitled application; (c) the "Response to Protest" filed on March 31, 1953, by the above-entitled applicant; (d) the "Statement of Chief, Broadcast Bureau Concerning 'Protest by Applicant Public Information Corporation'" filed on March 31, 1953; and (e) the Commission's Memorandum Opinion and Order (FCC 53-416) issued in the above-entitled matter on April 10, 1953, wherein the Commission designated the above-entitled applications for hearing "at a time and place, and upon appropriate issues, to be designated by further order of the Commission"; and

It appearing, that the allegations set forth in protestant's pleading raise questions of law and policy;

It is ordered, That pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing before the Commission en banc at its offices in Washington, D. C., to commence at 10:00 a. m. on May 22, 1953, to consist of oral argument on the following issues:

(1) To determine whether the procedure followed by the Commission in processing and granting the above-entitled application without a hearing constituted a denial of due process to the protestant.

(2) To determine, assuming the correctness of the factual allegations in the protest concerning overlap with the proposed operation of Winston-Salem Broadcasting Co., Inc., on Channel 26 in Winston-Salem, North Carolina, whether the grant of the above-entitled application was contrary to the provisions of § 3.636 of the Commission's rules or to any policy heretofore adopted thereunder by the Commission.

(3) To determine, in the light of the record developed at said oral argument of the foregoing issues, whether the grant of the above-entitled application should be vacated.

It is further ordered, That protestant and the Broadcast Bureau are made parties to the proceedings herein and that the burden of proof as to each of the above issues shall be on the protestant.

Released: May 8, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-4362; Filed, May 15, 1953; 8:52 a. m.]

[Docket No. 10453]

AGREEMENT BETWEEN UNITED STATES AND CANADA RESPECTING ASSIGNMENT OF STATIONS

ORDER EXTENDING TIME FOR FILING COMMENTS

In re proposed agreement between United States and Canada respecting assignment of Class II standard broadcast stations to clear channels, Docket No. 10453.

The Commission having under consideration petitions filed by James M. Tisdale, licensee of Radio Station WVCH, Chester, Pennsylvania, and Huntington-Montauk Broadcasting Company, Incorporated, licensee of Station WGSM, Huntington, New York, on April 27, 1953 and April 29, 1953, respectively requesting an extension of time within which to file comments with respect to the above-entitled proposed agreement;

It appearing, that the Commission, in a Public Notice (FCC 53-407) released on April 13, 1953, made public the substance of a proposed additional agreement between the United States and Canada with respect to the use of I-A Channels;

It further appearing, that the public notice provided an opportunity for interested parties to file comments regarding the Commission's proposal provided such comments were filed on or before May 1, 1953;

It further appearing, that extending the time for filing of comments in this proceeding will not unreasonably delay further consideration of this matter;

It is ordered, That, pursuant to section 0.143 (h) of the Commission rules, the subject petitions are granted and the time for all interested parties to file comments concerning the above-entitled agreement is extended until May 29, 1953.

Adopted: May 5, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-4363; Filed, May 15, 1953; 8:52 a. m.]

[Docket No. 10484]

CORTEZ TAXI AND TRANSFER CO.

ORDER DESIGNATING MATTER FOR HEARING

In the matter of revocation of license of Taxicab Radio Station KAF-208, W B. Hall, d/b as Cortez Taxi and Transfer Company, Cortez, Colorado, Docket No. 10484.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of May 1953;

The Commission having under consideration alleged violations of its rules in connection with the operation of the above-described radio station and the repeated failures of the licensee thereof to respond to official communications from the Commission in connection therewith;

It appearing, that on October 14, 1952, a violation of the Commission's rules in connection with the operation of the above-named station occurred as follows:

(a) Failure to enter in the station records the required frequency, power and modulation measurements in violation of § 16.108.

(b) Failure to maintain a radio log in the prescribed manner in violation of § 16.160.

It further appearing, that on November 26, 1952, an official notice was mailed to the above-named licensee calling his attention to the foregoing violations and that on January 16, 1953, a further official notice was mailed to the licensee for violation of § 16.159 of the Commission's rules in that said licensee failed to respond to the first notice; and

It further appearing, that on February 27, 1953 a letter was mailed to the licensee again calling to his attention the above-described violations and failures to answer two official notices and affording him a further opportunity to comply with the requirements of the rules and to notify the Commission within fifteen (15) days of the receipt of this letter of the action taken; and

It further appearing, that no reply has been received to the above-mentioned letter;

It is ordered, Pursuant to section 312 (c) of the Communications Act of 1934, as amended, that W B. Hall, d/b as Cortez Taxi and Transfer Company, show cause why the license of his taxicab radio station KAF-208 should not be revoked; and

It is further ordered, That a hearing in this matter will be held in Washington, D. C., on July 6, 1953, in order to determine whether an order revoking said license should be issued and that W B. Hall is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, That said W B. Hall is directed within thirty (30) days from the date of receipt of this order to inform the Commission in writing (in triplicate) whether he will appear or whether he waives his rights to a hearing. A waiver of the rights to a hearing may be accompanied by a statement (in triplicate) of reasons why said licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be

deemed to be an admission of the allegations specified in this order. Failure to respond within the above 30-day period, or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified herein. The provisions of § 1.402 of the Commission's rules are applicable to this proceeding; and

It is further ordered, That the Secretary shall mail a copy of this order to the licensee by Registered Mail—Return Receipt Requested.

Released: May 12, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-4364; Filed, May 15, 1953; 8:53 a. m.]

[Docket No. 10485]

SPENTONBUSH FUEL TRANSPORT SERVICE, INC.

ORDER DESIGNATING MATTER FOR HEARING

In the matter of Spentonbush Fuel Transport Service, Inc., New York, New York, Docket No. 10485; order to show cause why the license for ship radiotelephone station WB-4349 should not be revoked.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of May 1953;

The Commission having under consideration the revocation of the license of the Spentonbush Fuel Transport Service, Inc., 500 Fifth Avenue, New York, New York, for radiotelephone station WB-4349 aboard the vessel W A. Weber, because of certain alleged violations of the Commission's rules in connection with the operation of the station and the repeated failure of the licensee thereof to respond to Official Violation Notices and Commission letters relating to such violations; and

It appearing, that on February 8, 1952, a violation of the Commission's rules in connection with the operation of radio station WB-4349 occurred as follows:

The above-named radio station radiated an emission (second harmonic) on the frequency 5476 kilocycles on which it was not authorized to operate and which was capable of causing interference to the communications of other radio stations in violation of § 8.108 of the Commission's rules.

It further appearing, that on February 13, 1952, an Official Violation Notice was mailed to the above-mentioned licensee calling his attention to the foregoing violation and that on March 12, 1952 a second Official Violation Notice was mailed to the licensee for violation of § 1.401 of the Commission's rules in that the said licensee failed to make response to the first Official Violation Notice; and

It further appearing, that the licensee has failed to respond to the two Official Violation Notices and to two Commission letters dated May 14, 1952, and March 5, 1953, both of which called attention to the above-mentioned violations and afforded a further opportunity to submit a response or explanation:

It is ordered, Pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that Spentonbush Fuel Transport Service, Inc., show cause why the license for radiotelephone station WB-4349 aboard the vessel W. A. Weber should not be revoked.

It is further ordered, That a hearing be held before this Commission at Washington, D. C., on July 6, 1953, in order to determine whether said license should be revoked, and that said licensee be and is herewith called upon to appear at this hearing and give evidence upon the matter specified herein;

It is further ordered, That said licensee is directed within thirty (30) days from the date of receipt of this order to submit a statement in triplicate informing the Commission whether its representative will appear at this hearing and present evidence upon the matter specified herein, or whether the rights to such a hearing are waived. A waiver of the rights to a hearing may be accompanied by a statement in triplicate setting forth the reasons why said licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order. Failure to respond to this order within the above-mentioned thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified herein. The provisions of § 1.402 of the Commission's rules are applicable to this proceeding.

It is further ordered, That the Secretary send a copy of this order, by Registered Mail—Return Receipt Requested, to the Spentonbush Fuel Transport Service, Inc., 500 Fifth Avenue, New York, New York.

Released: May 12, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-4365; Filed, May 15, 1953; 8:53 a. m.]

[Docket Nos. 10486, 10487, 10488]

GEORGE A. SMITH, JR., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of George A. Smith, Jr., Dallas, Texas, Docket No. 10486, File No. 271-C2-P-53; application for construction permit for a station in the Domestic Public Land Mobile Radio Service; Dallas Electronics, Inc., Dallas, Texas, Docket No. 10487, File No. 576-C2-R-53; application for renewal of license of station KKE971 in the Domestic Public Land Mobile Radio Service; Dallas Electronics, Inc., Dallas, Texas, Docket No. 10488, File No. 869-C2-P-53; application for construction permit to change and increase power of station KKE971.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of May 1953;

The Commission, having under consideration the above-entitled applications of George A. Smith, Jr., and Dallas Electronics, Inc., their respective replies to the Commission's notifications issued pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended; a petition of George A. Smith, Jr. filed December 24, 1952, and a supplemental petition filed January 6, 1953, requesting revocation of Dallas Electronics' outstanding authorizations; and a petition of George A. Smith, Jr. filed February 20, 1953, requesting that the above-entitled applications be designated for consolidated hearing; and

It appearing, that the above-entitled applications of George A. Smith, Jr., and Dallas Electronics, Inc. request the assignment of the same frequencies for use in the same geographic area, and that mutually harmful electrical interference might result from a grant thereof; and

It further appearing, that, in accordance with the Commission's Report and Order in Dockets Nos. 8658, et al., dated April 27, 1949 and § 6.409 of the Commission's rules, each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area, in order to permit the rendition of service on an interference-free basis; and

It further appearing, that mutually harmful electrical interference may result as between the proposed operations and those of station KKG562 licensed to Trinity Dispatch Service at Fort Worth, Texas;

It is ordered, That, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at the offices of the Commission in Washington, D. C., commencing at 9:00 a. m. on June 8, 1953, upon the following issues:

1. To determine the financial qualifications of Dallas Electronics, Inc.

2. To determine the areas and populations which may be expected to receive service from each proposed facility and the need for such service in the areas proposed to be served.

3. To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices and service of each applicant for the furnishing of Domestic Public Land Mobile Radio Service.

4. To determine whether any mutually harmful electrical interference would result from the operation of the proposed stations, and, if so, whether, in view of the nature of the service proposed, such interference would be undesirable or intolerable.

5. To determine whether mutually harmful electrical interference would result as between the proposed operations and those of Station KKG562 licensed to Trinity Dispatch Service in Fort Worth, Texas.

6. To determine whether an unauthorized transfer of control of Dallas Electronics, Inc. took place between March 9, 1951 and September 3, 1952.

7. To determine whether the representations of Dallas Electronics, Inc. with

respect to its ownership made prior to the original grant of construction permit, on which the Commission relied in granting a construction permit, were true and correct at the time they were made.

8. To determine, in the light of the evidence adduced on the foregoing issues, which applicant is best qualified to serve the public interest, convenience or necessity.

9. To determine, on a comparative basis, which, if any of the applications should be granted.

It is further ordered, That O. P Leonard, d/b as Trinity Dispatch Service is made party respondent to this proceeding.

Released: May 8, 1953.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-4366; Filed, May 15, 1953; 8:53 a. m.]

[Docket Nos. 10489, 10360]

MACKAY RADIO AND TELEGRAPH CO., INC., AND RCA COMMUNICATIONS, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of Mackay Radio and Telegraph Company, Inc., Docket No. 10489, File No. 799-C4-ML-53 · application for modification of license to communicate with Istanbul, Turkey.

In the matter of Mackay Radio and Telegraph Company, Inc., and RCA Communications, Inc., Docket No. 10360, File Nos. 169-C4-ML-52, 211-C4-ML-52, 212-C4-ML-52; applications for modification of licenses to communicate with Ankara, Turkey.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of May 1953;

The Commission having under consideration;

(a) An application (File No. 799-C4-ML-53) filed on February 5, 1953, by Mackay Radio and Telegraph Company, Inc., (Mackay) for modification of its license for its point-to-point radiotelegraph station located at Brentwood, New York, so as to permit communication with Istanbul, Turkey, directly and via its relay station at Tangier;

(b) The motion of Mackay filed on February 5, 1953, wherein it is requested, among other things, that its application for authority to communicate with Istanbul, Turkey (File No. 799-C4-ML-53) be set for hearing and consolidated with the pending applications of Mackay and RCA Communications, Inc. (RCAC) for circuits to Ankara, Turkey, now designated for hearing in Docket No. 10360, and that the issues specified in the order designating such docket for hearing be amended or enlarged as the Commission finds to be proper·

(c) The letter of RCAC dated February 13, 1953, in response to the aforementioned Motion of Mackay·

(d) Its order of December 23, 1952, In the Matter of Mackay Radio and Telegraph Company, Inc., and RCA Communications, Inc., Applications for modification of licenses to communicate with Ankara, Turkey, Docket No. 10360, wherein the applications of Mackay and RCAC for authority to communicate with Ankara, Turkey, were set for hearing;

(e) Its order of February 9, 1953, in Docket No. 10360 wherein the hearings in that proceeding were postponed until further order of the Commission;

It appearing, that, in the above-described motion, Mackay has affirmatively requested that its application to communicate with Istanbul be set for hearing; that counsel for Mackay has advised the Commission that this application constituted a waiver of the provisions of section 309 (b) of the Communications Act of 1934, as amended, so that it is not necessary to give notice that the Commission is unable to find, upon examination of this application, that public interest, convenience and necessity would be served by the granting thereof;

It further appearing, that, in the above-mentioned letter of February 13, 1953, RCAC stated that it has no objection to the designation of Mackay's Istanbul application for hearing and to the consolidation of such hearing with the pending hearing in the aforementioned Docket No. 10360;

It further appearing, that the issues presented by the instant application for authority to communicate with Istanbul are similar to those raised in the pending applications of Mackay and RCAC for authority to communicate with Ankara, Turkey, which the Commission has designated for hearing in its aforementioned order of December 23, 1952, in Docket No. 10360, and that much of the evidence to be adduced therein with respect to such issues will be relevant and material to a determination of the issues involved herein;

It further appearing, that, in view of the foregoing, the instant application for authority to communicate with Istanbul should be set for hearing and such hearing should be consolidated with the pending hearing in Docket No. 10360;

It further appearing, that by letter dated April 6, 1953, a copy of which was furnished RCAC, Mackay made reference to the pendency of an Appeal in the Supreme Court involving the Commission's decision in Docket No. 8777, In the Matter of Mackay Radio and Telegraph Company Inc., Applications for radiotelegraph circuits between the United States and Finland, Portugal, Surinam and The Netherlands, and certain other pending proceedings and requested that the hearings herein be postponed indefinitely to a date to be fixed by the Commission upon request of Mackay or RCAC; and that by letter dated April 7, 1953, RCAC advised the Commission that it had no objection to such request;

It is ordered, That, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, a public hearing shall be held on the above-described application for authority to communicate with Istanbul and that such hearing shall be consolidated with the pending hearing in Docket No. 10360, and that the issues in such consolidated hearing shall be as specified in the aforementioned order of December 23, 1952, in Docket No. 10360, except as modified below·

a. Issue (1) in the aforementioned order should be amended to read:

(1) The present and expected volume of telegraph traffic and the revenues therefrom between the United States and Turkey, including the present and expected volume of traffic and the revenues therefrom between the United States and Ankara and between the United States and Istanbul;

b. Issue (6) in the aforementioned order should be amended to read:

(6) The extent of public need, if any, for additional communication facilities between the United States and Turkey, including the need, if any, for such additional facilities to Ankara and to Istanbul;

c. Issue (8) of the aforementioned order should be amended to read:

(8) The nature and quality of the service to be rendered by each applicant over the circuits proposed by it, including the classes of service to be offered, the charges to be made for each such class, and the division of such charges;

d. Issue (11) in the aforementioned order should be amended to read:

(11) To determine whether a grant of either or both of the Mackay applications may result in a substantial lessening of competition, restraint of commerce or the creation of a monopoly in telegraph communications in violation of the provisions of section 314 of the Communications Act of 1934, as amended, or any other applicable law;

It is further ordered, That copies of this order be served upon Mackay and RCAC, the applicants herein, and upon The Western Union Telegraph Company, The Commercial Cable Company, and the French Telegraph Cable Company, who appear to be parties in interest; and

It is further ordered, That consolidated hearings in this matter shall be held at a time and place hereafter fixed by the Commission.

Released: May 8, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-4367; Filed, May 15, 1953; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6497]

MOUNTAIN STATES POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SHORT-TERM PROMISSORY NOTES

MAY 11, 1953.

Notice is hereby given that on May 11, 1953, the Federal Power Commission issued its order adopted May 8, 1953, authorizing issuance of short-term promissory notes in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 53-4331; Filed, May 15, 1953; 8:46 a. m.]

[Docket No. G-1788]

OHIO FUEL GAS CO.

NOTICE OF MOTION

MAY 11, 1953.

Take notice that on April 10, 1953, The Ohio Fuel Gas Company (Applicant), filed a motion pursuant to Section 16 of the Natural Gas Act to amend the Commission's order issued November 21, 1951, in Docket No. G-1788 so as to authorize Applicant to abandon and remove approximately 19.1 miles of 6-inch transmission pipeline instead of 22.3 miles of 6-inch pipeline in Line R-356 extending from an existing line R-501 in Jackson County, Ohio, to Gallipolis, Ohio, as described in paragraph (2) page 1, of the Commission's order of November 21, 1951. Applicant was authorized in addition to the above to abandon and remove 1-6 miles of 4-inch, 5-inch and 8-inch pipeline in Line 356.

Applicant states that the abandonment and removal of 20.7 miles of pipeline pursuant to the Commission's order of November 21, 1951, was completed November 7, 1952, and that 3.2 miles of the 23.9 miles of pipeline originally authorized to be removed will remain in service for the reason that due to existence of a need to serve rural customers, it will be impractical to remove the entire 23.9 miles of transmission pipeline originally proposed to be removed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of May 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-4325; Filed, May 15, 1953; 8:45 a. m.]

[Docket No. G-1995]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF OPINION NO. 250 AND ORDER REVERSING DECISION AND DENYING APPLICATION

MAY 12, 1953.

Notice is hereby given that on May 11, 1953, the Federal Power Commission issued its opinion and order adopted May 7, 1953, reversing decision of Presiding Examiner and denying application for certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-4328; Filed, May 15, 1953; 8:46 a. m.]

[Docket No. G-2067]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF FINAL DECISION

MAY 4, 1953.

Notice is hereby given that the Presiding Examiner's Decision issuing a certificate of public convenience and necessity in the above-designated matter was issued and served upon all parties on April 1, 1953. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure, said Decision became effective on May 1, 1953, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-4330; Filed, May 15, 1953; 8:46 a. m.]

[Docket No. G-2113]

WASHINGTON GAS LIGHT CO. AND PRINCE GEORGE'S GAS CORP.

NOTICE OF FINDINGS AND ORDER

MAY 11, 1953.

Notice is hereby given that on May 8, 1953, the Federal Power Commission issued its order adopted May 7, 1953, issuing certificate of public convenience and necessity to Washington Gas Light Company, and dismissing application of Prince George's Gas Corporation for approval of abandonment in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-4332; Filed, May 15, 1953; 8:46 a. m.]

[Docket No. G-2158]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION

MAY 11, 1953.

Take notice that United Gas Pipe Line Company (Applicant) a Delaware corporation having its principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed, on April 20, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities for the purpose of sale of natural gas for industrial usage as hereinafter described.

Applicant proposes to construct and operate a sales meter and regulator station on its Great Lakes Carbon Company 4-inch pipeline at a point in Jefferson County, Texas, near Port Arthur, Texas, for the purpose of direct natural gas service to Warren Petroleum Company for use in Tank Blanketing in connection with loading ships with products from the latter's Tank Farm. Applicant estimates the cost of facilities at $892, annual sales at 2,984 Mcf, and the time of construction at 30 days.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of May 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-4326; Filed, May 15, 1953; 8:45 a. m.]

[Docket No. G-2160]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

NOTICE OF PETITION

MAY 12, 1953.

Take notice that Central Illinois Public Service Company (Petitioner) an Illinois corporation and a public utility, filed, on April 23, 1953, a petition pursuant to section 7 (a) of the Natural Gas Act for an order directing Trunkline Gas Company (Trunkline) to establish physical connection of its transmission facilities at a point of intersection with Petitioner's existing 4-inch Mattoon-Effingham pipeline near Neoga, Illinois, and to sell and deliver natural gas to Petitioner for resale as hereinafter described.

Petitioner states that it is unable, under present conditions, to meet the gas requirements of the City of Effingham and that the service requested and facilities proposed are needed to supply such requirements and would also aid it in meeting its demands at Mattoon, Illinois.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of May 1953. The petition is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-4329; Filed, May 15, 1953; 8:46 a. m.]

[Docket No. G-2162]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

MAY 8, 1953.

Take notice that New York Natural Gas Corporation (Applicant) a New York corporation having its principal place of business in Pittsburgh, Pennsylvania, filed on April 27, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of facilities subject to the jurisdiction of the Federal Power Commission described as follows:

Approximately 10 miles of 20-inch transmission pipeline extending from a point of connection with an existing 16-inch transmission pipeline in the Driftwood Gas Field, Cameron County, Pennsylvania, to a point in the newly extended area of the Driftwood Gas Pool.

Applicant proposes to connect producing wells in the new developments of the Driftwood Pool to the proposed line, natural gas from which wells is stated

to be needed immediately to meet gas requirements of Applicant's general system and for the further reason gas purchase contracts with individuals and lease requirements are predicated upon immediate taking of the gas developed thereunder.

The total over-all capital cost of the facilities described is estimated to be $595,000, cost of which will be financed in part from available company funds and in part from funds to be obtained by issuing to its parent corporation, Consolidated Natural Gas Company long term notes or stock, or both, at face or par value.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 29th day of May 1953.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-4327; Filed, May 15, 1953; 8:45 a. m.]

[Project No. 296]

COUNTY OF MINERAL, NEVADA

NOTICE OF ORDER WAIVING PENALTY FOR DELINQUENT PAYMENT OF ANNUAL CHARGES

MAY 11, 1953.

Notice is hereby given that on May 11, 1953, the Federal Power Commission issued its order adopted May 8, 1953, waiving penalty for delinquent payment of annual charges in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-4333; Filed, May 15, 1953; —8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO REPRESENT THE GOVERNMENT CONCERNING APPLICATION FOR INCREASED RATES OF SOUTHERN NATURAL GAS CO.

Southern Natural Gas Company, application for increased rates, Federal Power Commission, Docket No. G-2141.

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the Executive Agencies of the Federal Government in the matter of Southern Natural Gas Company, Application for Increased Rates, before the Federal Power Commission, Docket No. G-2141, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of the date hereof.

Dated: May 11, 1953.

EDMUND F MANSURE,
Administrator

[F. R. Doc. 53-4336; Filed, May 15, 1953; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3023]

CENTRAL AND SOUTH WEST CORP. AND CENTRAL POWER AND LIGHT CO.

SUPPLEMENTAL ORDER REGARDING ISSUANCE AND SALE OF BONDS AT COMPETITIVE BIDDING

MAY 12, 1953.

Central and South West Corporation, a registered holding company, and its public utility subsidiary, Central Power and Light Company ("Central Power") having filed a joint application-declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act") regarding proposals by Central Power to increase the authorized number of shares of its common stock ($10 par value) from 2,097,300 shares to 2,397,300 shares by amendment to its charter and to issue and sell, to its parent Central, 300,000 additional shares of its common stock for a cash consideration of $3,000,000; and to issue and sell, pursuant to the competitive bidding requirements of Rule U-50 of the rules and regulations promulgated under the act, $8,000,000 principal amount of additional First Mortgage Bonds, Series E, due 1983; and

The Commission, at the request of the companies, having by order dated April 22, 1953, approved the increase in the authorized number of shares of Central Power's common stock ($10 par value) from 2,097,300 shares to 2,397,300 shares and the proposed issue and sale by Central Power of 300,000 shares of its common stock; and by further order dated May 4, 1953, having approved the proposed issue and sale of bonds, subject to the condition, among others, that the sale of said bonds not be consummated until the results of competitive bidding shall have been made a matter of record and a further order shall have been entered in the light of the record as so supplemented; and

Central Power having on May 12, 1953, filed a further amendment to said application-declaration in which it is stated that in accordance with the order of May 4, 1953, said bonds have been offered for sale pursuant to the competitive bidding requirements of Rule U-50 and the following bids have been received:

Bidder	Annual interest rate	Price to Central Power (percent of principal) [1]	Annual cost to Central Power (percent)
The First Boston Corp.	4⅛	102.07	4.0053
Merrill Lynch, Pierce, Fenner & Beane and Salomon Bros. & Hutzler	4⅛	101.9597	4.0120
Lehman Bros.	4⅛	101.959	4.0121
Halsey, Stuart & Co., Inc.	4⅛	101.85	4.0183
Union Securities Corp.	4⅛	101.85	4.0183
Kidder, Peabody & Co.	4⅛	101.82	4.0200

[1] Exclusive of accrued interest from May 1, 1953.

Such amendment further stating that Central has accepted the bid of The First Boston Corporation for the bonds as set forth above, and that the bonds are to be offered to the public at a price of 102.88 percent of the principal amount thereof, resulting in an underwriter's spread of 0.81 percent of the principal amount; and

The record having been completed with respect to the fees and expenses in connection with the proposed transactions, such fees and expenses being estimated at $36,000 and $3,700, respectively, for the bond and stock transactions, said figure for the bond transaction including $6,000 fees payable to Middle West Service Company and $1,500 accountants' fees, all counsel fees being covered by annual retainer of company counsel; and

It further appearing that the proposed fee of Isham, Lincoln & Beale, counsel for the underwriters, which is to be paid by said underwriters, is $5,000; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said bonds, redemption prices thereof and the interest rate thereon, and the underwriters' spread with respect thereto; and it appearing to the Commission that the above fees and expenses are not unreasonable provided they do not exceed the amounts estimated, and it appearing appropriate to the Commission that the jurisdiction heretofore reserved over the results of competitive bidding, and over the fees and expenses incurred in connection with the proposed transactions be released.

It is ordered, That the application-declaration, as further amended, be granted and permitted to become effective forthwith, subject to the terms and conditions provided in Rule U-24, and that the jurisdiction heretofore reserved over the results of competitive bidding be, and the same hereby is, released.

It is further ordered, That the jurisdiction heretofore reserved over the fees and expenses incurred in connection with the proposed transactions be, and the same hereby is, released, provided they do not exceed the amounts indicated above.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-4342; Filed, May 15, 1953; 8:48 a. m.]

[File No. 70-3040]

COLUMBIA GAS SYSTEM, INC.

SUPPLEMENTAL ORDER REGARDING SALE OF COMMON STOCK

MAY 12, 1953.

The Commission by order dated May 4, 1953 having permitted to become effective the declaration of the Columbia Gas System, Inc. ("Columbia") a registered holding company, with respect to the issuance and sale by Columbia of 1,700,000 shares of common stock, no par value, subject to reservations of jurisdiction with respect to the results of competitive bidding under Rule U-50, the fees and expenses incurred in connection with said transaction, and the sale or other disposition of any shares of Columbia common stock acquired by Columbia, pursuant to its stabilization operations; and

A further amendment having been filed on May 12, 1953, setting forth the action taken by Columbia to comply with the requirements of Rule U-50, and stating that pursuant to the invitation for competitive bids, the following bids for the common stock have been received:

Bidding group headed by:	*Price per share to Columbia*
Merrill Lynch, Pierce, Fenner & Bean, White, Weld & Co., Shields & Co., and R. W. Pressprich & Co	$12.65
Lehman Bros. and Union Securities Corp	12.445
Morgan Stanley & Co	12.05

The amendment further stating that Columbia has accepted the bid of Merrill Lynch, Pierce, Fenner & Beane, White Weld & Co., Shields & Company and R. W Pressprich & Co. for the common stock as set forth above and that the common stock will be offered to the public at a price of $13.25 per share, resulting in an underwriters' spread of $0.60 per share; and

The record having been completed with respect to fees and expenses in connection with the proposed transaction estimated in the amount of $132,517, including legal fees of Columbia's counsel, Cravath, Swaine & Moore, of $12,500, and legal fees of Shearman & Sterling & Wright, counsel for the purchaser, in the amount of $10,000; and

The Commission having examined said amendment, and having considered the record herein, and finding no reason for the imposition of terms and conditions with respect to the terms of competitive bidding for said common stock, and also finding that the estimated fees and expenses in connection with the proposed transactions, including the fees of counsel for Columbia and independent counsel for the underwriters, are not unreasonable and that jurisdiction with respect thereto should be released:

It is ordered, That jurisdiction heretofore reserved with respect to matters to be determined as a result of competitive bidding for said common stock under Rule U-50 be, and hereby is, released, and that said declaration, as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction heretofore reserved for payment of all fees and expenses incurred in connection with the proposed transaction be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-4340; Filed, May 15, 1953; 8:48 a. m.]

[File No. 70-3045]

CONSOLIDATED NATURAL GAS CO. AND NEW YORK STATE NATURAL GAS CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING SALE TO PARENT BY SUBSIDIARY OF COMMON STOCK

MAY 11, 1953.

Consolidated Natural Gas Company ("Consolidated") a registered holding company, and several of its subsidiaries, including New York State Natural Gas Corporation ("New York Natural"), having filed a joint application-declaration with this Commission under sections 6 (b) 9 (a) 10, and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-50 (a) (3) of the rules and regulations promulgated thereunder, in respect of, among other things, the proposed issue and sale to Consolidated by New York Natural of 100,000 additional shares of $100 par value common stock for a cash consideration of $10,000,000; and

Notice of the filing of said application-declaration having been given in the form and manner provided by Rule U-23 promulgated under the act, and the Commission not having received a request for and not having ordered, a hearing thereon; and

Applicants-declarants having requested that an order be entered on or before May 11, 1953, granting and permitting to become effective, forthwith, said application-declaration as to the issuance and sale to Consolidated by New York Natural of the 100,000 additional shares of common stock; and

The Commission finding with respect to said proposed issue and sale of common stock that the applicable provisions of the act and of the rules and regulations promulgated thereunder have been satisfied, observing no basis for adverse findings or the imposition of terms and conditions other than those contained in Rule U-24, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective, forthwith, as to said proposed issue and sale of common stock; and the Commission further deeming it appropriate to grant the request of applicants-declarants that this order issue on or before May 11, 1953; and

It appearing that the fees and expenses to be incurred and paid in connection with the issue and sale of common stock by New York Natural, estimated at $11,250, including $11,000 of Federal issue stamp tax, are not unreasonable.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions specified in Rule U-24, that the application-declaration be, and it hereby is, granted and permitted to become effective, forthwith, insofar as it relates to the issue and sale to Consolidated by New York Natural of 100,000 additional shares of $100 par value common stock for a cash consideration of $10,000,000.

It is further ordered, That jurisdiction be, and it hereby is, reserved as to all other transactions proposed in said application-declaration.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-4341; Filed, May 15, 1953; 8:48 a. m.]

[File No. 70-3060]

AMERICAN GAS AND ELECTRIC CO. AND AMERICAN GAS AND ELECTRIC SERVICE CORP.

NOTICE REGARDING ISSUE AND SALE OF CAPITAL STOCK BY SUBSIDIARY SERVICE COMPANY AND ACQUISITION THEREOF BY PARENT

MAY 12, 1953.

Notice is hereby given that American Gas and Electric Company ("American") a registered holding company, and its wholly owned subsidiary, American Gas and Electric Service Corporation ("American Service") have filed a joint application pursuant to the Public Utility Holding Company Act of 1935 ("act") designating therein sections 6, 7, and 10 as applicable to the proposed transactions which are summarized as follows:

American Service, by charter amendment, proposes to increase its authorized Capital Stock, from 10,000 shares of the par value of $100 each, all of which is presently outstanding, to 20,000 shares of the par value of $100 each, and to issue 3,500 shares of said capital stock to American, the owner of all of American Service's outstanding Capital Stock, for a consideration of $250,000 in cash and the cancellation of a $100,000 advance on open account owed by American Service to American. It is stated that the construction expenditures of American system have materially increased during recent years requiring an expansion of the needed engineering and drafting services and that the proposed transactions are for the purpose of providing American Service with additional working capital needed for its operation.

It is estimated that the expenses to be incurred will not exceed $1,000 including $500 New York State tax on increase in authorized capital and $385 Federal issuance tax on the 3,500 shares of stock to be issued.

Notice is further given that any interested person may, not later than May 26, 1953, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request

and the issues of fact or law, if any, raised by the said joint application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said joint application, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-4338; Filed, May 15, 1953; 8:47 a. m.]

[File No. 70-3065]

ARKANSAS POWER & LIGHT COMPANY

NOTICE OF PROPOSED ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

MAY 12, 1953.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act") by Arkansas Power & Light Company ("Arkansas") a public utility subsidiary of Middle South Utilities, Inc., a registered holding company. Applicant has designated the third sentence of section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than May 26, 1953, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after May 26, 1953, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Arkansas proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $18,000,000 principal amount of First Mortgage Bonds, __ percent Series, due 1983. The bonds will be issued under and secured by the company's Mortgage and Deed of Trust dated as of October 1, 1944, as heretofore supplemented and as to be further supplemented by a Seventh Supplemental Indenture to be dated as of June 1, 1953.

The application states that the net proceeds from the sale of the bonds will be used in connection with the company's construction program and for other corporate purposes. The company's construction program for the year 1953 is estimated to cost $39,749,000, of which $9,218,000 had been expended to March 31, 1953. Estimated expenditures for the year 1954 are stated at $19,300,000.

It is represented that the Arkansas Public Service Commission has jurisdiction over the proposed issuance and sale of the bonds and that a copy of the order authorizing the proposed transactions will be supplied by amended. Fees and expenses to be paid by Arkansas in connection with the proposed transactions are estimated at $110,000, including company counsel fees of $16,500.

It is requested that the Commission's order herein become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-4339; Filed, May 15, 1953; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28073]

COAL FROM ILLINOIS AND WESTERN KENTUCKY TO BLUE EARTH, MINN.

APPLICATION FOR RELIEF

MAY 13, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Illinois and western Kentucky on L. & N. R. R.

To: Blue Earth, Minn.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition, additional origins.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1224, supl. 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-4344; Filed, May 15, 1953; 8:49 a. m.]

[4th Sec. Application 28074]

FRESH FROZEN HORSE MEAT FROM ILLINOIS TERRITORY TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MAY 13, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Fresh frozen horse meat.

From: Points in Illinois territory.

To: Points in southern territory.

Grounds for relief. Competition with rail carriers, circuitous, to maintain grouping, to apply rates constructed on the basis of the short line distance formula, additional commodity.

Schedules filed containing proposed rates: R. G. Raasch, Agent, ICC No. 754, supl. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-4345; Filed, May 15, 1953; 8:49 a. m.]

[4th Sec. Application 28075]

STARCH FROM ILLINOIS TERRITORY TO GULF PORTS

APPLICATION FOR RELIEF

MAY 13, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for carriers parties to schedules listed below.

Commodities involved: Starch or dextrine, carloads.

From: Points in Illinois territory.

To: New Orleans, La., Mobile, Ala., Panama City, Pensacola, Port St. Joe, North Pensacola and North Pensacola (Cantonment) Fla.

Grounds for relief: Competition with rail carriers, circuitous, to maintain grouping, to maintain port rate relations.

Schedules filed containing proposed rates: R. G. Raasch, Agent, ICC No. 741, supl. 37; R. G. Raasch, Agent, ICC No. 776, supl. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing: If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-4346; Filed, May 15, 1953; 8:49 a. m.]

[4th Sec. Application 28076]

BITUMINOUS FINE COAL FROM ILLINOIS AND WESTERN KENTUCKY TO INTERSTATE POWER SPUR AND FAIRMONT, MINN.

APPLICATION FOR RELIEF

MAY 13, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Bituminous fine coal, carloads.

From: Mines in Illinois and western Kentucky.

To: Interstate Power Spur (Sherburn) and Fairmont, Minn.

Grounds for relief: Competition with rail carriers, circuitous, market competition, to maintain grouping, additional origins.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1224, supl. 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-4347; Filed, May 15, 1953; 8:49 a. m.]